

Appeal Decision

Site Visit made on 11 March 2021

by C Jack MRTPI MA(TP) MA BSc(Hons)

an Inspector appointed by the Secretary of State

Decision date: 18 March 2021

Appeal Ref: APP/L2250/D/20/3262054

73 Hythe Road, Dymchurch, Romney Marsh, TN29 0TJ

- 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 Peter Walsh against the decision of Folkestone and Hythe District Council.
 - The application Ref 20/0774/FH, dated 12 June 2020, was refused by notice dated 5 August 2020.
 - The development proposed is erection of first floor side extension.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Peter Walsh against Folkestone and Hythe District Council. This application is the subject of a separate decision.

Preliminary Matter

3. While the proposal is described as a first floor side extension, it is clear from the submitted documents that some other alterations are proposed as part of the development, including a rear-facing balcony above the existing kitchen which would be accessed at first floor level via the side extension.
4. Since the Council determined the application it has adopted its Places and Policies Local Plan, which has superseded the various saved policies of the 2006 Local Plan referred to in its reasons for refusal.

Main Issues

5. The main issues are the effect of the development on i) the living conditions of occupiers of adjacent properties, having regard to privacy and noise and disturbance and ii) the character and appearance of the area.

Reasons

Living conditions

6. The proposed rear balcony would enable clear views to the rear gardens of several adjacent properties including the bungalows to either side of No 73 and homes to the rear in Kingsway, across Hoorne's Sewer. While there are various trees, boundary treatments and outbuildings intervening, the elevated position of the balcony would nonetheless mean that overlooking could occur at a level sufficient to result in a significant loss of privacy to be experienced at those nearby properties. Furthermore, the balcony would be of sufficient

useable area to support activities such as sitting or eating out and other social use of the space. As this would be most likely to occur in clement weather when nearby residents would also be most likely to use their gardens, the effect would be significant at times when rear garden privacy would be most valued. Given the likelihood of more prolonged and social use of the balcony, the effect would be significantly more intrusive than from views from the existing small first floor rear window which serves a bathroom.

7. The proposal includes glass balustrades around the balcony. At the sides, this is proposed as a privacy screen and, provided the glass would be adequately obscured, this would be effective in preventing undue overlooking towards the properties either side of No 73 when balcony users are seated. However, with the indicated height of the screen being around 1600mm, it is likely that some people would still be able to see over the top when standing out on the balcony. At the rear, the balustrade would be notably less tall and would not be sufficient prevent overlooking of properties to the rear, even when balcony users are seated. The balcony would therefore result in an unacceptable loss of privacy at adjacent properties.
8. Whilst the use of the balcony may result in some noise, this is unlikely to be significantly different to that which might be created from similar use of the rear garden area, and of a nature which is to be generally expected in a residential area such as this. Therefore, the balcony would not give rise to unacceptable noise and disturbance. The Council has raised no concerns about neighbouring living conditions in respect of the proposed side extension itself and based on the evidence I see no reasons to find differently on this point.
9. I conclude that the balcony would result in harm to the living conditions of occupiers of adjacent properties, having regard to privacy. It would therefore conflict with policies HB1 and HB8 of the Council's Places and Policies Local Plan 2020 (the PPLP), which together and among other things seek to ensure that development would not have an adverse effect on neighbouring occupiers, including by taking account of unacceptable overlooking and loss of privacy.

Character and appearance

10. The first-floor side extension would be situated above an existing single-storey, flat-roofed section of No 73. Having regard to Policy HB8 of the PPLP, it is not clear whether or not the flat roofed section formed part of the original frontage of the dwelling, but there is no relevant planning history or other significant evidence before me to demonstrate that it was not. On the basis that it was original, the width of the proposed extension would represent less than half of the original frontage width as the policy seeks.
11. Even if it was not original, the proposal would respect the front 'building line' and would be subordinate in scale to the existing building. There would be a significant gap from the side boundary, with the detached garage intervening, thus ensuring no terracing effect or significant dominating effect relative to the adjacent bungalow. Furthermore, the pitched roof form and proposed fenestration would complement that of the existing two-storey part of the house. Other homes in the street scene are very varied in scale, form, design, and materials and, as such, the proposal would not be out of keeping with the character of No 73 or its locality. In the event of the appeal being allowed, materials could be controlled by condition in the interest of local appearance.

12. In conclusion, the extension would generally reflect the scale, proportions, materials, and roof form of No 73 and would not be significantly prominent or detrimental to the street scene. Accordingly, it would not harm the character and appearance of the area and would be consistent with Policies HB1 and HB8 of the PPLP, which together and among other things seek to ensure that development would maintain the visual quality of the street scene.

Other Matters

13. The site lies a short distance along the road from, and thus within the wider setting of, a grade II listed Martello Tower, which appears to have been converted to residential. While there would be a measure of perceptible change to the street scene arising from the proposal, the relatively modest scale of the extension, the degree of separation from the Martello Tower, and the lack of harm to local character and appearance, the development would have a neutral effect on the setting and historic significance of the listed building.

Planning Balance

14. While there would be no harm to the character and appearance of the area, or the setting of the nearby listed building, there would be significant harm to the living conditions of nearby residents due to loss of privacy. This attracts significant weight and outweighs the various benefits, which principally relate to the main extension rather than the balcony, including better family living space and improved energy standards. The proposal would conflict with the development plan and there are no other considerations that outweigh this conflict.

Conclusion

15. For the reasons given, the appeal is dismissed.

Catherine Jack

INSPECTOR