



Appeal Decision

Site Visit made on 27 April 2021

by Stewart Glassar BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2021

Appeal Ref: APP/X2220/W/20/3257885

26 Hardwicke Road, Dover, CT17 9QL

- 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 S Stebbeds against the decision of Dover District Council.
 - The application Ref 19/01522, dated 12 December 2019, was refused by notice dated 3 July 2020.
 - The development proposed is the erection of a building incorporating 5no. flats, formation of car parking, external steps, landscaping and enlargement of existing vehicle access (existing dwelling to be demolished).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted an additional drawing that was not submitted with the original application. The drawing shows vision lines from the proposed building. The Council has had sight of the drawing and made comments. I have taken it into account as it expands upon details previously submitted with the application but does not introduce entirely new material. I do not consider the parties would be prejudiced by my taking it into account.

Main Issues

3. The main issues are the effect of the development on a) the character and appearance of the area; and b) the living conditions of neighbours, with particular regard to overlooking and overbearing.

Reasons

Character and appearance

4. The dwellings in Hardwicke Road comprise a range of different styles and ages but they are predominantly two storeys, finished in brick and render. Dwellings on the northern side of Hardwicke Road sit noticeably lower than those on the southern side due to the topography of the area. However, they remain visible from the road. The appeal site itself is on the northern side of the road and comprises a two storey detached dwelling. Owing to its width relative to the plot and contextually limited overall height, the appeal building appears as something of an anomaly in the street scene.
5. The proposed building would be wider and taller, its height thus being more comparable with the buildings either side and its width would more closely reflecting that of the plot itself. To respect the differing ridge heights of the buildings on either side, the roof would be stepped in height. The envelope of

the building would therefore be more in keeping with the plot and the prevailing building heights when viewed from Hardwicke Road.

6. That said, by seeking to replicate a bay window feature on a building which is noticeably wider than the neighbouring properties, the result would be a central part of the front elevation largely bereft of detailing. The central portion would contain only the main entrance door and two windows that would be misaligned with each other, or any of the other windows. This, as well as the above, would give the building a somewhat disjointed and ill proportioned appearance. Whilst the ground floor would be set down below pavement level and a new parking area is proposed at the edge of the site, the front elevation would be noticeable within the street scene.
7. In contrast, the buildings either side of the appeal site offer fenestration patterns that provide a rhythm and consistency which are proportionate to the overall composition of their front elevations. This would amplify the deficiencies in the appearance of the proposed building. Owing to it presenting a three storey elevation at the rear in amongst others which are similar, I do not find that the rear elevation would be unduly harmful, despite obviously being a more modern infill version thereof.
8. This does not however make up for the poor quality of the front as I have explained it. This would accordingly harm the character and appearance of the area, contrary to the aspirations of the Framework¹, in particular Paragraphs 117, 122 and 127, which amongst other things, seek to ensure that developments do not harm their environments, maintain an area's appearance and are sympathetic to the local character.

Living conditions

9. The Council has not specified in its reason for refusal which neighbours would, in its opinion, experience overlooking and thus suffer a loss of privacy. It has however, identified the occupants at No.28 Hardwicke Road as being the ones who would experience oppressive and overbearing effects from the proposed development. I shall address each matter in turn.
10. The rear elevation would contain six pairs of glazed doors, of which two would serve full balconies and two would have Juliette balconies. Other windows are also proposed on the rear elevation across all three storeys.
11. As the scheme has evolved, the number and size of proposed balconies has reduced, and wing walls have been added. However, the flats would all have their main living areas to the rear of the building and being served by the aforementioned windows. Whilst this is understandable given the topography and potential outlook, the result is likely to be a scale of overlooking that would be harmful to the living conditions of neighbours at Nos. 24 and 28 Hardwicke Road, particularly in affording multiple opportunities for direct and uninterrupted lines of sight into their gardens.
12. I have had regard to the vision lines drawing supplied by the appellant and accept that a degree of mutual overlooking is to be expected in an area such as this one. However, this does not alter my view that the scale of overlooking would harm the living conditions of these neighbours.

¹ National Planning Policy Framework (2019)

13. The neighbours to the rear, in particular Nos.27–31 Churchill Road, would be able to see the proposed building and the extensive glazing on the rear elevation. I am satisfied that the distances involved would mitigate much of the harm in terms of overlooking and any actual loss of privacy. However, due to the topography, the size of the building and the extent of glazing on the rear elevation, occupiers of Nos.27–31 Churchill Road would experience a strong feeling of being overlooked.
14. Outlook from the windows of No.28 Hardwicke Road would, on the whole, not be impinged by the proposed development. That said, the patio area between the rear projecting section of No.28 and the side elevation of the proposed building, would be noticeably affected. It is set at a slightly lower level than the appeal site. As a result of the proximity of the proposed building together with its height, the appeal scheme would have a significant enclosing effect and thus be a dominant and overbearing feature for users of the patio area.
15. The appeal scheme would therefore cause significant harm to the living conditions of the occupiers of Nos.24 and 28 Hardwicke Road and those of Nos.27–31 Churchill Road in the manner I have described. Consequently, the proposed development would be contrary to the aims of the Framework. Specifically paragraphs 122 and 127, which amongst other things, set out to ensure proposals avoid harmful effects upon the living conditions of occupiers of development.

Other Matters

16. There are some newer buildings on Hardwicke Road which are visible within the street scene and have introduced new facades and fenestration patterns. However, based on what I have seen, they do not harm the character and appearance of the street scene in the same way the appeal proposals would. They do not therefore lead me to allowing the appeal.
17. I appreciate that the appellant had pre-application discussions with the Council and has incorporated amendments into the scheme as it has evolved. However, these matters in themselves do not mean that the current scheme is acceptable and does not in any event absolve me from making an assessment as to its effects in regard to the main issues of the case.

Planning Balance and Conclusion

18. The Council acknowledge that paragraph 11(d) of the Framework needs to be considered in this case, given the absence of relevant policies. I have found harm in relation to the effect of the proposed development on the character and appearance of the area and the living conditions of neighbours. This harm is significant and as a consequence worthy of significant weight. The harm I have found would accordingly lead to conflict with the Framework.
19. The appeal scheme would represent a net addition of four dwellings which would add to choice and mix in the area. I would attach weight to this but such that would be tempered by a lack of detail in the evidence on the status of the Council's housing supply. There would be other benefits associated with the provision of new housing but again these would be affected by the scale of the proposals and some would be time limited. Overall, and for these reasons, the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the

Framework taken as a whole. It would not therefore be sustainable development for which the presumption in favour applies. Accordingly, the appeal should be dismissed.

Stewart Glassar

INSPECTOR