The Planning Inspectorate

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: 26 May 2021

Appeal Ref: APP/L2250/D/20/3257757
29A Cricketers Close, Hawkinge, CT18 7NH

- 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 Lee Hyde against the decision of Folkestone and Hythe District Council.
- The application Ref 20/0667/FH, dated 20 May 2020, was refused by notice dated 6 July 2020.
- The development proposed is a two storey side extension.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Between the determination of the planning application and the appeal coming before me, the Council has adopted the Places and Policies Local Plan in September 2020. The policies of that document relevant to the appeal are HB1 and HB8, referred to in the evidence of both parties as emerging policies. The Council has also confirmed that the adoption of the Places and Policies Local Plan has superseded the saved policies of the Local Plan Review 2006. The views of the appellant have been sought on the up to date situation with the development plan and I have determined the appeal with regard to the adopted development plan at the time I make this decision.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the dwelling and wider area, and on the living conditions of the occupants of No.29 Cricketers Close, with particular regard to whether or not it would be dominant or cause overshadowing.

Reasons

Character and Appearance

4. The area is comprised of two storey dwellings, which are mainly semi-detached in nature. Some pairs are connected to others at ground floor level by virtue of their side garages being linked, whereas others are separated by driveways. This spacing between properties, even at first floor level, is important as it contributes positively to the spacious character of the area.

5. The garage serving the appeal property has previously been converted to habitable accommodation and is attached to the neighbour's garage. However, this does not significantly alter the overall character of the appeal dwelling or

its relationship with the neighbouring property, reinforcing the aforementioned spacious character.

6. The proposal seeks to extend at first floor level over part of the former garage. Although the proposal would not extend to the boundary with the neighbouring property, it would noticeably close the gap at first floor level. Accordingly, it would appear very obvious in the street scene, eroding the sense of spaciousness by bringing the buildings closer together in this way. Although the scheme restricts the width of the extension, its depth and overall scale would be visible from the street. The scale of the extension in relation to that of the existing dwelling would be a poor visual presentation to the street scene. These factors would combine to result in an overly large and bulky addition that would harm the character and appearance of the dwelling and wider area.

7. Accordingly, the proposal would be contrary to Policies HB1 and HB8 of the Local Plan[1] which, amongst other things, seek to ensure development respects existing buildings and their surroundings.

Living Conditions

8. No.29 Cricketers Close is positioned to the west of the appeal property. Whilst the extension might cast some shadow in the early morning across part of the neighbour's rear elevation and garden, I am not persuaded that this would be to a level that would significantly harm the living conditions of the occupants.

9. The extension would be visible from the neighbour's garden and noticeably close the gap between the two properties. However, it would not extend beyond the rear elevation of the neighbouring property. The occupants of No. 29 Cricketers Close currently enjoy an open aspect to the side and rear and this will not alter as a result of the proposal. I do not therefore consider that the extension would be overly dominant in relation to this neighbour.

10. Accordingly, and in regard to this main issue, I conclude that the proposal would not be contrary to Policies HB1 and HB8 of the Local Plan, insofar as it would not harm the living conditions of the occupants of No.29 Cricketers Close, with particular regard to dominance and overshadowing.

Other Matters

11. I appreciate that the proposal was redesigned in the light of a previous refusal and set in from the boundary in a bid to meet the Local Plan requirements. Nevertheless, and for the reasons given above, I have found the current proposal to be harmful to the property and street scene.

12. The appellants also point to the existence of the prior approval regime for extra storeys and the absence of objections from neighbours. 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. A lesser assessment is required under the prior approval regime. I understand the appellant's desire for the extension. I am also mindful that the Framework[2] supports the principle of adapting existing houses to meet future needs. That said, the weight I could attach to the family circumstances in this regard would be insufficient against

[1] Places and Policies Local Plan (September 2020)
[2] National Planning Policy Framework (2019)

the harm and conflict with the development plan that I have found and to which I ascribe substantial weight.

Conclusion

13. Although I have not found harm in relation to the effect on the living conditions of the neighbouring occupants and subsequent compliance with the development plan, this would be a lack of harm and as such a neutral consideration in any balance. I have found harm in regard to the effect of the appeal scheme on the character and appearance of the dwelling and the area. It is for that reason that the appeal should be dismissed.

Stewart Glassar

INSPECTOR