



Appeal Decision

Site Visit made on 28 September 2021

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th October 2021

Appeal Ref: APP/L2250/D/21/3267725

15 Marine Avenue, Dymchurch, Romney Marsh, Kent TN29 0TR

- 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 David O'Connell against the decision of Folkestone and Hythe District Council.
 - The application Ref 20/1481/FH, dated 30 September 2020, was refused by notice dated 25 November 2020.
 - The development proposed is "Raised roof to provide residential accommodation and alterations to garage to change use to residential".
-

Decision

1. The appeal is allowed and planning permission is granted for "Raised roof to provide residential accommodation and alterations to garage to change use to residential" at 15 Marine Avenue, Dymchurch, Romney Marsh, Kent TN29 0TR in accordance with the terms of the application, Ref 20/1481/FH, dated 30 September 2020, subject to the following 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: DS/2214/a, DS/2214/1, DS/2214/2, DS/2214/3, DS/2214/4 and DS/2214/5.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials specified within the application form.

Main Issues

2. The main issues are the effect of the proposal on: (i) the character and appearance of the area; and (ii) the living conditions of the occupants of neighbouring properties, with particular regard to outlook and light.

Reasons

Character and Appearance

3. The appeal building is a detached bungalow with a hipped roof, located midway along an unmade private road characterised by detached dwellings of various styles and sizes. Most houses along Marine Avenue are bungalows, some with

front, side or rear facing dormers, but there are also a number of two storey houses. The appeal building is therefore typical of its surroundings, but it does not display any special architectural features or aesthetics which make a valuable contribution to the mixed character and appearance of the area.

4. The proposal would substantially increase the overall mass of the appeal building, adding a second floor with three dormers on the front elevation, two dormers on the rear elevation, and a single, smaller dormer on each of the side elevations. The proposed raising of the appeal building's eaves and ridge heights and the installation of front facing dormers would increase its scale in comparison to its immediate neighbours in the street scene and would not be subordinate to the existing building. However, this increase in mass, although significant, would not be unduly dominant in this location on account of the range of two storey houses of similar and larger sizes nearby.
5. The proposal would not appear unbalanced, and the form and overall height of the proposed hipped roof would reflect the styles of roofs at neighbouring properties. The existing building has little architectural and aesthetic character of value, and although the building would be transformed from a modest bungalow to a large two storey house, this would not harm the integrity of the street scene. It would therefore respect the existing pattern of buildings along Marine Avenue and would not appear as an obtrusive or incongruous form of development.
6. The proposal would be finished with cementitious weather-boarding at first floor level and a slate roof, improving the appearance of the existing bungalow. These materials would not be out of context with the appeal site's surroundings, as other examples of slate roofs and weather-boarding finishes in different materials can be seen at first floor level along Marine Avenue. The proposal would therefore be well designed, respecting the visual qualities of the street.
7. The proposal would not harm the character or appearance of the area and would broadly accord with the aims of Policies HB1 and HB8 of the Council's Local Plan in this regard. These policies encourage extensions to make a positive contribution to their location and surroundings, respecting existing buildings and avoiding damage to the architectural and aesthetic character of the existing building, while maintaining the visual quality and integrity of the street scene, amongst other things.

Living Conditions

8. The appeal building is orientated with its front elevation facing in a north-easterly direction. The neighbouring bungalow at 13a Marine Avenue ('No.13a') lies to the south, set back behind the appeal building; and the neighbouring bungalow at 17 Marine Avenue ('No.17') lies to the north, with its front elevation broadly in line with the appeal building. The appeal building runs close along the boundary shared with No.17 and protrudes beyond the rear elevation of that neighbouring bungalow. The proposed first floor extension would also protrude beyond the rear elevation of No.17, but not to a great extent. The bungalow at No.17 is set back from the shared boundary, with a single storey outbuilding located along the shared boundary.
9. The proposal would therefore be clearly noticeable from the rear garden of No.17, but less so from any ground floor rear elevation windows. No detailed

assessment of the siting of the proposal in respect of any windows at No.17 has been undertaken by either of the Main Parties. Based on the information before me it appears unlikely that the proposal would protrude beyond a 45° angle measured from the closest quarter point of the nearest neighbouring ground floor window, as discouraged by Policy HB8 of the Council's Local Plan. The Council's officer report claims the appeal building protrudes 7m beyond the rear elevation of No.17 and the proposal would measure the same as the existing ground floor footprint, falling within such a 45° angle, which the appellant disputes. The proposal would not extend the full depth of the appeal building's existing footprint and I therefore doubt the accuracy of the Council's assessments in this regard.

10. The orientation and siting of the proposal relative to No.17 would be such that there would be some overshadowing of a limited part of No.17's garden for small periods and there would be a minor loss of outlook. The presence of No.17's outbuilding would reduce the effect to some extent. Overall, the level of harm that would be caused to the living conditions of the occupants of No.17 would be very low and would not be unacceptable. Due to the bungalow at No.13a being set back in its plot, to the south of the appeal building, the proposal would have little impact upon the light received by that property and the outlook currently enjoyed by its occupants. No harm would be caused to the living conditions of the occupants of No.13a.
11. The proposal would not therefore cause unacceptable harm to the living conditions of the occupants of neighbouring properties, and it would accord with Policies HB1 and HB8 of the Council's Local Plan in this regard. Amongst other things, these policies support extensions which would not lead to an adverse impact on the amenity of neighbours, including by way of undue overshadowing.

Other Matters

12. Interested Parties have raised concerns in respect of parking provision at the appeal site. The Council's officer report suggests that two parking spaces should be provided for a 4+ bedroom house and I noted three cars parked within the appeal site during my visit. There would be no changes to the front of the appeal site and the Council have not requested a condition requiring parking details to be approved. I do not therefore consider the proposal likely to result in any harm to highway or pedestrian safety.

Conditions

13. It is necessary to attach conditions requiring the commencement of development within the relevant timeframe and the development to be carried out in accordance with the approved plans. The Council have requested a condition requiring the external materials of the proposal to match those described within the application form in terms of type, colour, and texture. The application form describes the proposed materials to be used for the walls, roof, windows, and doors, but does not specify their colour or texture. I do not consider it reasonable for such details to be specified in this instance, as the information provided within the application form and the approved plans would be sufficient to ensure the proposal is appropriate for its surroundings.

Conclusion

14. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

L Douglas

INSPECTOR