



Appeal Decision

Site visit made on 16 November 2021

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

Appeal Ref: APP/X2220/D/21/3275814

8 Beech Tree Avenue, Sholden CT14 0FB

- 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 Paul Terrey against the decision of Dover District Council.
 - The application Ref 21/00046, dated 12 January 2021, was refused by notice dated 8 March 2021.
 - The development proposed is erection of a first floor side extension with a pitched roof above a carport.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Further revisions have been made to the National Planning Policy Framework during the course of the appeal and a revised version was published in July 2021 (the Framework). I have invited the main parties to comment on the Framework and also on the progression of the emerging Dover District Local Plan, and I have taken account of any responses from them in my determination of the appeal.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site forms part of a modern development of homes in which the scale, character and appearance of properties varies. This varied townscape forms an integral part of the character of the wider development.
5. Through its road layout, building lines and varied building heights, views and vistas are possible through the development which can be appreciated from public view points. This includes views of the playground and mature woodland which exist to the north. The varied building heights to the northern perimeter of the development also offer views of the tree line above the buildings, which contribute positively to the character, appearance and the sense of place experienced within the wider development.
6. The appeal site lies on the northern edge of the development and views of the woodland are apparent in the gaps between properties on Colmanton Grove,

particularly above the lowered ridgelines of the car ports and through the pedestrian access which exists between them.

7. The proposed development would be of a suitable design and would incorporate a palette and combination of materials which is characteristic across the wider development. Similarly I find the impact on the symmetry of numbers 8 and 9 Beech Tree Avenue would not be harmful due to the existing variations in their design.
8. However, by reason of its combined width and height, the development proposed would result in a significant reduction in the gap between numbers 8 and 9 Beech Tree Avenue, and a notable reduction in the visibility that this gap allows of the woodland to the north. The view afforded by this particular gap above the roof of the car ports is one which contributes positively to the character and appearance of the area as it can be appreciated from Colmanton Grove when travelling through the wider development. This gap provides important visual relief and visual interest to this part of the otherwise relatively high density development.
9. While I note the appellant considers the percentage of the view which would be obscured would be approximately 10% when experienced from neighbouring properties, the visual impact when experienced from Colmanton Grove would be likely to be much greater. Unlike in the case of the appeal referred to by the appellant, my concerns relate to the impact of the development proposed on the experience from public view points, rather than those private views enjoyed by nearby properties, although I acknowledge that those properties also benefit from the views of the woodland.
10. The development proposed would not maintain the established sense of place and would diminish the distinctiveness of this part of the wider development, which is enhanced by public views of the tree line, in conflict with the aims of paragraph 130 of the Framework. In turn I find the development proposed would cause unacceptable harm to the character and appearance of the area.

Other Matters

11. I have had regard to the other matters raised including the privacy of neighbouring occupiers and potential for increased traffic and parking pressures. I note that the Council considered these issues at the application stage and concluded that due to the distance between surrounding properties and the appeal site, and the presence of existing windows in the appeal property with a similar direction of outlook, the proposals would not cause unacceptable harm to the living conditions of nearby occupants. The Council also found that the additional bedroom created by the development would not generate demand for additional parking provision. From my assessment I have no reason to disagree and consider that there would be no harmful change to the living conditions of nearby occupiers or to highway safety arising from the proposal.
12. I note the concerns in relation to a precedent which could be set for other developments above car barns in the wider area. However each case should be assessed on its own merits and in light of the particular circumstances of the site in question and the effects of the development proposed. I have therefore not afforded additional weight to this issue in dismissing the appeal.

Planning Balance and Conclusion

13. The appellant has drawn my attention to other examples of extensions and alterations which have received planning permission within the wider development. I do not find these to be directly comparable to the appeal scheme due to their location and the different impact that those works have on the character of the area. I have therefore afforded them little weight.
14. The Council have not identified any relevant development plan policies in this case. None are referred to in the reason for refusal and the officer's report refers to those which are not relevant to the main issue of this appeal as they relate to parking and restricting development outside urban boundaries and rural settlement confines. It therefore follows that paragraph 11d) of the Framework applies to my assessment.
15. The appellant has identified benefits of the proposed development, particularly the delivery of a five bedroom house and the future-proofing of the property for families. While I acknowledge this as a benefit, as the proposal would contribute only one five bedroom house to the stock, I afford this little weight. In balancing this benefit against the harms arising from the proposals, I find that the adverse impacts of granting planning permission, by reason of the unacceptable harm to the character and appearance of the area, would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. For the reasons detailed above, the appeal is dismissed.

C Shearing

INSPECTOR