

Appeal Decision

Site visit made on 29 October 2021

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 10 JANUARY 2022

Appeal Reference: APP/L2250/D/21/3279443

Land at 124B North Road, Hythe CT21 5DY

- 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 M Walker against the decision of Folkestone & Hythe District Council.
 - The application (reference 12/1008/FH, dated 8 May 2021) was refused by notice dated 1 July 2021.
 - The development proposed is described in the application form as a “first floor addition”.
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Decision

1. The appeal is allowed and planning permission is granted for a “first floor addition”, at 124B North Road, Hythe CT21 5DY, in accordance with the terms of the application (reference 12/1008/FH, dated 8 May 2021), subject to the conditions set out in the attached Schedule of Conditions.

Main issue

2. The main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the host building and its surroundings.

Reasons

3. The appeal site is located on a hillside, in a residential area of Hythe that is characterised by a variety of dwelling types and sizes. North Road runs roughly parallel to the contours of the hill, with properties above and below the road. Number 124B is a modest bungalow but other properties in the vicinity include much larger two-storey houses. Some of the properties are relatively modern, having been inserted later into the street pattern, but others are evidently long established.
4. Number 124B itself is a bungalow built in a traditional form, with half-hipped and gabled main roofs over an asymmetrical footprint. There is a double garage with a flat roof (used as a terrace) at a lower level, opening onto North Road. The bungalow has pitched, tiled roofs, with brickwork external elevations. It is conventional in style but modest in scale by comparison with some of its neighbours.

5. The bungalow is sited on an irregularly shaped plot, standing above the level of North Road, which is its principal frontage, but lower than Quarry Lane at the rear, which curves around the side of the plot, in a steep gradient, to connect to the lower road. Thus, it looks down on North Road and out across the town towards the sea, over or past other buildings lower down. Similarly, buildings higher up the hillside, to the north, look over properties in North Road.
6. The existing bungalow has only a "store" in the roof space at present and it is now proposed to create a first floor living room in the same part of the building, with a new internal stair to provide access.
7. Policies in the 'Places and Policies Local Plan' (which was adopted in September 2020) are particularly relevant to this appeal. Policy HB1 is a general policy that seeks to achieve "Quality Places Through Design" and which draws attention to a range of design considerations, while Policy HB8 provides specific criteria in respect of "Alterations and Extensions to Buildings".
8. The 'National Planning Policy Framework' (which was revised in July 2021) includes the aim of "achieving well designed places" in the broadest sense (notably at Section 12), without seeking to imposed detailed criteria. While making effective use of land and encouraging economic activity, it is aimed at achieving good design standards generally, which includes both protecting existing residential amenities and providing good standards of accommodation.
9. The proposed "first floor addition" would create a new architectural element, cutting through the roof of the existing bungalow and rising above its ridge. This new element would create a distinct feature and would be clad in a form of weatherboarding, to distinguish it from the tiled roof. It would provide an attractive new living room, with a Juliet balcony facing southwards, towards the sea.
10. The proposed extension would be in harmony with the existing building, creating a separate and logical element in the overall composition, distinguished by the change in facing materials on the external walls. I am convinced that the design principles that have been adopted are sound, in this case, and that scheme accords with planning policies that are intended to encourage good design.
11. The new feature would, of course, be visible from the wider surroundings, including other residential properties, notably 'Quarry Bank' which is located further up the hill, on the opposite side of Quarry Lane. The roof alteration would have only a very limited effect on the outlook from the public realm or from other properties, however, especially bearing in mind that the planning system is not intended to protect private views. Thus, the scheme would not cause undue harm to the surroundings in planning terms.
12. In short, the appeal scheme would amount to a modest extension to the existing dwelling and would, in my view, be compatible with the existing building in design terms. It would not harm the character or appearance of the host building, nor of the surroundings more generally.
13. Hence, I have concluded that the project would not be in conflict with national planning policies or the Development Plan, in principle, and that it is acceptable in planning terms. I am persuaded that the scheme before me can properly be

permitted and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

14. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of the conditions suggested by the Council in the usual way (without prejudice to their main arguments in the appeal), subject to modifications necessary, in my opinion, in the interests of clarity and enforceability. In particular, I have concluded that conditions are necessary, to define the planning permission.
15. The materials to be used also need to be defined clearly, since the new extension is not designed to be constructed with materials to match the existing brickwork. Moreover, the submitted drawings and documents do not precisely and unambiguously define the proposed materials and further detail is necessary (especially of the proposed cladding materials). Accordingly, I have imposed a condition to regulate the materials to be used in the external surfaces of the development.
16. On the other hand, I am not persuaded that an additional condition is necessary to impose a specific requirement for obscured glass on the Juliet balcony, since the large window on the front elevation would not materially worsen the amenities of neighbours (for example, by overlooking), and obscured glazing to the balcony itself would not provide a significant benefit.
17. I have noted from the Officer's Report that, in this part of Hythe, a soil stability report is normally required, prior to commencement of development, in accordance with specific provisions in the Local Plan. The appellant has signified that they would agree to such a condition and I accept that it would be prudent and necessary.

Roger C Shrimplin

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - Drawing number 21022MW-PP-S-(13)01 (Site Plans: Location Plan);
 - Drawing number 21022MW-PP-S-(13)02 (Site Plans: Existing Block Plan);
 - Drawing number 21022MW-PP-S-(13)03 (Site Plans: Proposed Block Plan);
 - Drawing number 21022MW-PP-E-(01)00 (Existing Plans: Ground Floor);
 - Drawing number 21022MW-PP-E-(01)01 (Existing Plans: First Floor);
 - Drawing number 21022MW-PP-E-(01)02 (Existing Plans: Roof Plan);
 - Drawing number 21022MW-PP-E-(02)01 (Existing Elevations: North);
 - Drawing number 21022MW-PP-E-(02)02 (Existing Elevations: East);
 - Drawing number 21022MW-PP-E-(02)03 (Existing Elevations: South);
 - Drawing number 21022MW-PP-E-(02)04 (Existing Elevations: West);
 - Drawing number 21022MW-PP-P-(03)00 (Proposed Plans: Ground Floor);
 - Drawing number 21022MW-PP-P-(03)01 (Proposed Plans: First Floor);
 - Drawing number 21022MW-PP-P-(03)02 (Proposed Plans: Roof Plan);
 - Drawing number 21022MW-PP-P-(04)01 (Proposed Elevations: North);
 - Drawing number 21022MW-PP-P-(04)02 (Proposed Elevations: East);
 - Drawing number 21022MW-PP-P-(04)03 (Proposed Elevations: South);
 - Drawing number 21022MW-PP-P-(04)04 (Proposed Elevations: West).
3. No materials shall be incorporated into the external surfaces of the development hereby permitted until samples or specifications of those materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.
4. No development shall take place until a soil stability report has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with any requirements or recommendations of the approved report.