



Appeal Decision

Site visit made of 20 July 2021 by Thomas Courtney BA(Hons) MA

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2022

Appeal Ref: APP/X2220/W/21/3274801

3 Middle Deal Road, Deal, CT14 9RF

- 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 D. Nolan against the decision of Dover District Council.
 - The application Ref 19/01339, dated 31 October 2019, was refused by notice dated 20 November 2020.
 - The development proposed is the erection of 4no. attached dwellings with undercroft parking and bin stores (existing buildings to be demolished).
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Application for Costs

3. An application for costs was made by Mr D. Nolan against Dover District Council. This application is the subject of a separate decision.

Procedural Matters

4. In the interest of accuracy in describing the proposed development, the description of development used in the header above is based on that used on the Council's decision notice, and which I note was subsequently adopted by the appellant in the appeal form.
5. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (NPPF). Accordingly, and in light of the reference made to the previous iteration of the NPPF within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. In this respect, I am mindful that neither the appellant nor the Council have made any further submissions regarding the revised NPPF. However, in light of this re-consultation, I am satisfied that any references made to the revised NPPF within this decision would not be unreasonable to the parties.

Main Issues

6. The main issues are:
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- The effect of the proposed development on the character and appearance of the surrounding area; and
- The effect of the development on the living conditions of the occupiers of No.5 Middle Deal Road with particular regard to an increased sense of enclosure.

Reasons for the Recommendation

Character and Appearance

7. The appeal site relates to a yard and offices occupied by a paving/hard landscaping company situated at the junction of Middle Deal Road and Albert Road. It comprises an existing L-shaped single storey building, and an area of hardstanding used for the storage of vehicles and materials. The surrounding area is predominantly residential, consisting mostly of two-storey properties and characterised by simple terraced housing, with shallow front gardens and ground floor bay windows. However, I observed there to be some semi-detached properties directly to the east of the site featuring deeper front driveways and finished with brick or white render and a bungalow on Albert Road, in close proximity to the site.
8. The proposed materials, window headers and cill detailing would harmonise with the surrounding context, but the overall scale of the development would be excessive. In particular, the three-storey height of the dwellings would fail to accord with the surrounding built form which is broadly characterised by a consistent building height of two storeys. The proposed development would appear particularly bulky at roof level and would feature an uncharacteristic mansard roof form which would jar with the simple pitched roofed properties in the vicinity.
9. Furthermore, although I note that some buildings in the wider area are built right up to the rear of the pedestrian footpath, in this instance, the relationship between the proposed dwellings and the footpath would appear awkward due to the scale of the proposal.
10. Given the scale, height and obtrusive bulk of the development, and it's siting directly beside the footpath, I find that it would appear imposing and would dominate the street scene. It would occupy a prominent position at the corner of Middle Deal Road and Albert Road and would thus be seen as an incongruous and disproportionate addition to the street scene.
11. I therefore find that the proposal would be poorly related to its context and would have an adverse impact on the character and appearance of the area. In the absence of the Council's referral to any development plan policies, the proposal would conflict with paragraph 130 of the NPPF which seeks to ensure proposals are well-designed and do not adversely affect the character and appearance of the areas in which they lie.

Living Conditions

12. The proposed half pitched roof element of the development which would accommodate the bin store would lie on the common boundary with No.5 Middle Deal Road whilst the three-storey side elevation of the development would lie at a distance of approximately 2.5m from the common boundary with No.5.

13. No.5's main private amenity space, which abuts the common boundary, is currently flanked by the existing flat-roofed buildings which lie in the north western corner of the appeal site. The proposed half pitch roof would have a lower eaves height than the existing building and would thus appear less overbearing when seen from the amenity space. The amendments to the proposed side elevation (drawing no. MDR/2149/PD/04), which include the removal of the three-storey brick gable end and alterations to the mansard roof, have served to reduce the bulk and height of the development. The taller element of the proposed side elevation would be sufficiently set-back from the common boundary, such that it would not have a dominating effect on the amenity space or result in an adverse sense of enclosure.
14. I therefore find that the proposal would not harm the living conditions of the occupiers of No.5 Middle Deal Road with regards to an increased sense of enclosure. The proposal would not conflict with paragraph 130 of the NPPF which seeks to ensure that developments provide a high standard of amenity.

Planning Balance and Conclusion

15. Paragraph 11 d) of the NPPF requires decision makers to apply a presumption in favour of sustainable development where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. As the Dover District Core Strategy is considered to be out-of-date and its policies not wholly consistent with the NPPF, the tilted balance and the presumption in favour of sustainable development does apply in this instance.
16. The proposal would create four additional dwellings in the district and thus make a contribution, albeit small, to the supply of housing in the area. The proposal would also have some economic benefit by generating tax revenue and local employment. I have therefore attached moderate weight in support of the proposed development. Nevertheless, and despite not finding harm in respect of the impact on living conditions of neighbouring occupiers, for the reasons set out above, I find that the proposal would be poorly related to its context and erode the character and appearance of the area. As a result of this harm, the appeal proposal would be in conflict with the NPPF.
17. I find that the adverse impacts of granting permission for the proposal would significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the NPPF taken as a whole. Accordingly, the proposal would not comprise sustainable development.

Recommendation

18. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR