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# Appeal Decision

Site visit made on 4 October 2022

**by C Hall BSc MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 October 2022**

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**Appeal Ref: APP/X2220/D/22/3299792**

**12 Mill Lane, Shepherdswell CT15 7LJ**

- 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 John Davis against the decision of Dover District Council.
  - The application Ref 22/00030, dated 10 January 2022, was refused by notice dated 27 April 2022.
  - The proposed development is for the erection of a single storey rear extension.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. At my site visit, I saw that development has commenced on the scheme, with the external walls constructed to plate level.

## Main Issues

3. The main issues are the effect of the development on the living conditions of the occupants of adjacent properties in respect of light and overbearing impact.

## Reasons

4. The appeal site relates to a detached, 2-storey house sited on Mill Lane with a driveway and off-street parking to the front. The property is located in the Shepherdswell Conservation Area.
5. The scheme would be clearly evident from the rear windows and doors, patio area and back garden of 14 Mill Lane (it would not appear to have a material impact on any other neighbouring residence in the immediate vicinity). I note the appellant's contention that the flank wall is set back some 1.5 metres from the boundary, however from my observations on site I am of the view that it is somewhat nearer than this, which is also reflected on the ground floor layout plan.
6. The proposal would span the entire length of the common boundary at the rear of 12 and 14 Mill Lane. The rearward extent of the element, combined with its height, would significantly increase the size and scale of development facing no.14, thereby adding material bulk to the built form in close proximity to the common boundary.

7. In doing so, this would create a considerable extent of development which would dominate the outlook in this direction from the rear openings of no.14 and the environment in and around the patio and back garden. This would be in a manner which would be overbearing and oppressive, and materially worse than the existing state of affairs.
8. With regard to light, as the proposal is single storey in nature, I consider that the extent of overshadowing to the neighbouring curtilage at no.14 would not be significant. Although sections of the back garden may fall into shade during the winter months, improving sunlight levels during spring and summer would ensure that there would be no adverse overshadowing to the rear patio and internal accommodation of the neighbouring property.
9. My attention is drawn to the extension constructed at no.14 under Council reference 19/00620. Whilst the element may have reduced the property's rear amenity space, to my mind this argument would carry no material weight in the assessment of the overbearing nature of the appeal proposal.
10. Although the development would not result in harm to the living conditions of the occupants of 14 Mill Lane in respect of light, the scheme would result in an overbearing impact. It would be inconsistent with the advice in the National Planning Policy Framework, which aims to secure safe and healthy living conditions with a high standard of amenity.

### **Other Matters**

11. The Council is satisfied that the proposal would not harm the wider character and appearance of the Shepherdswell Conservation Area within which the site is located. I have no reason to disagree, and I consider that the significance of the heritage asset would be unharmed.

### **Conclusion**

12. Based on the foregoing and all matters advanced, the appeal fails.

*C Hall*

INSPECTOR