



Appeal Decision

Site visit made on 4 January 2023

by A. Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2023

Appeal Ref: APP/X2220/W/22/3292029

69 Folkestone Road, Dover CT17 9RZ

- 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 and Mrs Adamou against the decision of Dover District Council.
 - The application Ref 21/01259, dated 8 August 2021, was refused by notice dated 17 January 2022.
 - The development proposed is for a three storey rear extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the erection of a three-storey rear extension (existing side extensions to be demolished) and part change of use to allow the formation of 3 no self-contained flats. The Council dealt with the proposal on that basis and so shall I.
3. At the appeal stage, amended plans were submitted. These illustrate an alternative layout which shows additional bedrooms associated with the established bed and breakfast in place of separate dwellings. The supporting statement sets out that these plans were submitted to the Council prior to determination. Nevertheless, the Council made its decision based on the originally submitted plans. Moreover, an appeal should not be used to evolve a scheme. I am not confident that third parties have had sufficient opportunity to comment on those amendments. Accordingly, I have not taken them into account in my assessment of the appeal.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposed development would provide a satisfactory standard of accommodation for future occupants, with particular regard to internal space standards and private outdoor space.

Reasons

Character and appearance

5. The appeal site comprises a four-storey end of terrace property positioned to the south side of Folkestone Road. A single-storey garage exists to the side, setback from the road. Properties within the surrounding area are generally of a similar scale and appearance to the appeal property, comprising a mixture of rows of terraced houses and pairs of semi-detached properties.
6. Along this part of Folkestone Road, a small gap typically exists between each pair or row of terraced houses along the street, providing a sense of separation between properties. Through these gaps can typically be seen open sky or mature trees in gardens and landscape beyond. Established rear extensions are also glimpsed through these gaps, albeit these are generally of a subservient and small-scale nature relative to the main property. This historic layout breaks up the otherwise urban nature of the street and makes a positive contribution to the character and appearance of the area.
7. The proposed development would introduce a three-storey addition to the rear of the appeal property. Whilst I accept that the extension has been designed with sensitivity to the host building in respect of the use of materials and note that it is set away from the neighbouring properties, the scale of the extension would be large. It would project beyond the side elevation of the original property and deep into the rear garden. The scale of the extension would be out of keeping with the established pattern of development along this part of Folkestone Road and would result in the partial infilling, albeit limited, of the existing break between properties here. The proposed extension would form a discordant feature and fail to appear as a subservient addition to the original dwelling.
8. Overall, I conclude that the proposed development would have a detrimental impact on the character and appearance of the area, contrary to the relevant provisions of paragraph 130 of the National Planning Policy Framework (the Framework), which seeks to encourage high quality design in development.

Standard of accommodation

9. The submitted plans indicate three additional one-bedroom properties. These accommodate a bedroom, kitchen/living room area and bathroom. Each unit would be accessed from existing property's the main stairwell.
10. I note that within its officer report the Council considers the proposed units to fall below the Nationally Described Space Standard (NDSS). However, footnote 49 of the Framework sets out that planning policies for housing should make use of the nationally described space standard, where the need for an internal space standard can be justified. There is no reference to the NDSS or internal space standards more generally within any policy or guidance that is before me. Nevertheless, based on the submitted plans, and notwithstanding my findings in respect of character and appearance above, the proposed dwellings would be very small, at approximately 26.5sqm. I am of the opinion that the proposed accommodation would feel cramped and oppressive to future occupants.
11. In respect of private amenity space, no such provision is made. As above, external amenity space standards are not documented within any policy or

guidance that is before me and as such there is some uncertainty as to the basis for applying this standard. Nevertheless, the lack of private, or any evidence of communal, amenity space would exacerbate the oppressive nature of the proposed dwellings.

12. Although the arrangement of the proposed units would be atypical, there is no substantive evidence before me that indicates that the use of a shared access would result in harmful noise or disturbance to future or existing occupants.
13. Overall, the proposed development would fail to provide a satisfactory standard of accommodation for future occupants, with particular regard to internal space standards and private outdoor space, contrary to the relevant provisions of paragraphs 119 and 130 of the Framework. This, in summary, seeks to ensure a high standard of amenity for existing and future users of places and the creation of places which promote health and well-being.

Conclusion

14. For the reasons given above, having taken account of the development plan as a whole, the approach in the National Planning Policy Framework, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

A. Price

INSPECTOR