



Appeal Decision

Site visit made on 13 June 2023

Decision by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2023

Appeal Ref: APP/X2220/W/22/3308710

Beacon Lane Farm, Beacon Lane, Woodnesborough, Kent CT13 0PD

- 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 Justin Simmonds against the decision of Dover District Council.
 - The application Ref 22/00222, dated 15 February 2022, was refused by notice dated 11 May 2022.
 - The development proposed is erection of four, 4 bedroom detached dwellings with associated parking following demolition of existing structure.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council refer to policies of the draft Dover District Local Plan (DDLDP). This is currently at the examination stage and has not yet been adopted by the Council as part of its development plan. Accordingly, I can only give such policies limited weight in the decision-making process.
3. A previous appeal (Ref: APP/X2220/W/18/3201740) at the site was dismissed in 2019. This sought permission for the change of use and associated alterations to the existing building to form a new residential dwelling; the demolition of an existing building; and the erection of 6x additional dwellings.
4. There is also an extant planning permission (Ref:19/01337) at the site for the erection of 2no. attached dwellings, 2no. detached dwellings with associated landscaping and parking (existing building to be demolished).

Main Issues

5. The main issues are:
 - the effect of the proposal on the living conditions of occupiers of neighbouring properties, with particular reference to outlook and loss of privacy for the occupiers of Beacon Lane Farm Cottage and Beacon Lane Farmhouse; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Neighbouring occupiers

6. The house at Plot 1 would introduce two storeys of built form with limited set back from the shared boundary with Beacon Lane Farm Cottage and Beacon Lane Farmhouse. Both properties have ground and first floor windows, which appear to supply habitable rooms, facing directly towards the appeal site. During my site visit I also noted that both properties have garden areas adjacent to the site boundary which contain domestic paraphernalia and appear to be well used by the neighbouring occupiers.
7. The submitted drawings indicate that hedging will be planted along the boundary with the adjoining residential properties. However, the side elevation of the house at Plot 1 would extend significantly above this hedging on the boundary. As the house would be positioned close to the shared boundary its combined depth, height and proximity to the neighbouring garden and both neighbouring properties' nearest windows means that the proposed development would be a dominant and oppressive feature for neighbouring occupiers.
8. The side elevation of the house at Plot 1 would have a bedroom window at first floor level. Given the proximity and orientation of this window, which would look directly towards both the windows and gardens of the neighbouring properties, it would result in a harmful loss of privacy for the occupiers of both neighbouring properties.
9. The window in question is the sole window to the bedroom. A condition requiring obscure glazing to be used for this window would not be appropriate in this instance as it would remove any outlook from the room. This would have a harmful impact on the future occupiers of the proposal.
10. The appellant has indicated that the provision of an oriel window for the bedroom could direct views away from the neighbouring properties. However, as I do not have proposed plans showing the size and location of the window, it is not possible to assess its potential impact on the living conditions of neighbouring occupiers.
11. For the reasons outlined above, the proposal would have an unacceptable impact on the living conditions of the neighbouring occupiers of Beacon Lane Farm Cottage and Beacon Lane Farmhouse. Therefore, in this respect, it would be contrary to the principles of the National Planning Policy Framework (2021) (Framework) which require that planning decisions ensure that developments create places with a high standard of amenity for existing and future users. The proposal would also conflict with emerging Policy PM2 of the DDLP which relates to healthy conditions, although as an emerging policy which has not yet been examined, I ascribe that conflict little weight.

Character and appearance

12. The appeal site is located within a generally linear settlement, largely strung out along Beacon Lane. The character of the area is rural, with open fields surrounding the residential properties. The majority of nearby properties are two storey and there are a mixture of detached and semi-detached houses.

These are generally of traditional design with a variety of external finishes and materials. The appeal site itself houses a historic barn and a large area of hardstanding.

13. The four detached dwellings would have a traditional design and would be constructed with traditional materials. Whilst they would be similar in design and form, there would be two types of dwelling. This would provide differentiation in design and materials to create sufficient visual interest.
14. When viewed from the front, the dwellings would not have particularly wide front elevations. The houses' roofs would be hipped, and would pitch down to the side boundaries, reducing their visual bulk. The spacing between each of the houses would be regular, providing a visual rhythm to the development which would also break up the proposal's overall massing. The houses' front elevations would also be stepped with a projecting gable element and set-back porches, which would help to visually break up the massing.
15. Each of the dwellings would have a generously sized rear garden. As a result, and unlike the extant permission which has a large backland building, the rear of the site would remain free from built form, with the development focussed in a linear form to the front of the site. Overall, when viewed from the south west, the proposal would not appear overly large or project an excessive depth into the site. Consequently, the proposal would not have an overly urbanising effect on the site.
16. Due to their design and use of materials, the proposal would appear as a small coherent grouping of dwellings. This would not be unusual, as within the immediate area there are other groupings of dwellings which share significant design similarities and utilise similar materials. One such example is the grouping of three pairs of semi-detached properties located a short distance to the north. As a result, the proposal would not appear as an uncharacteristic or surprising addition within the local streetscene.
17. Parking to the front of properties is a characteristic of Beacon Lane, and a number of properties within this stretch of the road have hardstanding providing space for two vehicles to park side by side. The most notable examples are Drove Villa and Beacon Villa opposite the appeal site. New boundary planting would be provided either side of the proposed car parking to the front of each of the new houses. This would soften the appeal development's visual impact.
18. Policy DM15 of the Dover District Core Strategy (2010) (CS) sets out that development which would adversely affect the character or appearance of the countryside will only be permitted in a number of specific scenarios. However as, for the above reasons, I have concluded that the proposal would not harm the character and appearance of the wider area, it is not necessary for the proposal to fit within one of these scenarios. The proposal therefore complies with the policy.
19. I also find that the proposal would comply with Policy DM16 of the CS and the principles within the Framework which expect development to protect the character of the landscape, contribute to and enhance the natural and local environment and to be visually attractive as a result of a good layout whilst maintaining a strong sense of place. Neither do I find conflict with Policy PM1 of the DDLP in respect of this main issue.

Other Matters

20. The Framework seeks to significantly boost housing supply and indicates the value of using suitable land within settlements for homes. It also encourages the optimal use of underutilised land. The proposal would contribute to local housing supply and would represent a more efficient use of previously developed land. These matters weigh in favour of the development.
21. I acknowledge that the extant permission establishes that residential development in this location is acceptable in principle. The proposal may also be compliant with various other provisions of the development plan, for instance in terms of outdoor amenity space and car parking provision. However, the absence of harm or conflict with other relevant development plan policies is a neutral factor and does not weigh in favour of the proposal.
22. The appellant indicates that they are considerate contractors, and that the proposal would provide better and more functional outdoor amenity spaces than the extant permission. Furthermore, the appellant suggests that the extant permission has a dangerous access with sub-standard visibility splays, whilst the current proposal would have improved visibility splays and would therefore be safer. I have not been provided with full details of the highway issues associated with the extant permission. In any event, these matters do not outweigh the harm to the living conditions of neighbouring occupiers which I have identified.
23. The site is located within the Thanet Coast and Sandwich Bay Special Protection Area (SPA) Zone Of Influence as outlined by policy NE3 of the DDLP. The SPA is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations).
24. Had I found the proposal to be otherwise acceptable, the Regulations impose a duty to consider within the framework of an Appropriate Assessment whether it would have a significant effect on the conservation objectives of the SPA either alone, or in combination with other plans and projects. As part of this, I would need to consider the likely effectiveness of mitigation proposed. However, even though the appellant has indicated a willingness to enter into an agreement to address any mitigation required to address concerns related to the SPA I have no such agreement before me. In any event, given the harm that I have identified above and that I am dismissing the appeal for other reasons, it is not necessary for me to consider this matter further as it would not alter my findings on the main issues.

Conclusion

25. Although I have found that the proposal would not unacceptably harm the character and appearance of the area, the proposal would have a harmful impact on the living conditions of neighbouring occupiers. Therefore, for the above reasons, having had regard to the development plan as a whole, along with all the relevant material considerations, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR