
Appeal Decision

Site visit made on 19 July 2023

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 30 October 2023.

Appeal Ref: APP/X2220/D/23/3321047

17 Macdonald Road, Dover, Kent, CT17 0HB

- 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 Mark Hamilton against the decision of Dover District Council.
 - The application Ref 23/00085, dated 23 January 2023, was refused by notice dated 21 April 2023.
 - The development proposed is erection of two storey rear extension with pitched roof and new offstreet parking.
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Decision

1. The appeal is dismissed.

Main issues

2. I consider that the main issues in this case are its effect on the character and appearance of the area and on the living conditions of neighbouring residents.

Reasons

3. 17 Macdonald Road is a two storey mid terrace house located at the head of a cul-de-sac. The land rises fairly steeply northwards from Coombe Valley Road up to the house and beyond it to the properties at the rear on Beaufoy Road. Extensive excavations have taken place in the rear garden, with a level space created out of most of the garden, enclosed by a block retaining wall. The small area of the rear garden remaining is at a higher level. The house is raised at a high level above the street and accessed by steps. There is a small front garden which has been cleared of vegetation and some decking immediately adjacent to the house.
4. The relevant policies in this case include PM1 and H6 of the Draft Dover District Local Plan to 2040 which relate to the general design of development according to a number of criteria, and to the design of residential extensions to ensure, among other things, that they are suitable in scale and do not have an adverse impact on the living conditions of existing residents. Draft policy T13 refers to parking standards and states that parking provision in residential areas should take account of local circumstances. Although these policies are not part of an adopted plan, they are consistent with the National Planning Policy Framework 2021 (the Framework) and therefore carry weight in this appeal.
5. The proposed two storey rear extension would occupy most of the levelled area across most of the width of the building. I consider that it would be excessive

in size and out of proportion with both the existing building and the plot of land. Although it would not be visible from the street and would therefore have no adverse impact on the character and appearance of the street scene, it would result in an overbearing effect and increased sense of enclosure for the occupiers of the neighbouring properties on each side because of the overall height, width and depth of the extension itself and the small distance from the side boundaries. It would be a cramped form of development because of the small size of the rear garden, the steep rise in the land and the presence of the houses sited at a much higher level to the rear.

6. I have taken account of the details of the design which are aimed at reducing the impact of the extension on the neighbouring residents, including the stepping in and angling of the first floor to avoid the 45 degree angle. However, I consider that this is not sufficient to mitigate the impact on the outlook from neighbouring properties, both from inside and from the gardens. Outlook is not simply a matter of sunlight and daylight, but also encompasses aspects including proximity, mass and height of new structures. The houses in the terrace are fairly small with steep rear gardens which lie to the north of the houses and have limited amounts of sunlight. The proposal would further reduce the sunlight available in the rear gardens of each neighbouring property at certain times of the day.
7. The proposed rear extension would also result in a significant reduction in usable private amenity space for the occupiers as it would take up the majority of the existing garden leaving only a very small and inconvenient area higher up.
8. I consider that, although the proposal would result in improved internal accommodation for the appellants, this should not be achieved at the expense of the reduction in their external amenity space and the quality of the outlook of the neighbouring residents.
9. While the Framework encourages the efficient use of land, it also emphasises the importance high quality places which, as well as being attractive, provide a high standard of amenity for existing and future users.
10. I conclude that the proposed two storey extension would harm the living conditions of the occupiers of the neighbouring houses on each side and of the existing house itself, contrary to the Framework and draft local plan policies PM1 and H6.
11. The proposed parking area to the front would appear out of keeping with the character and appearance of the street because of the amount of excavation required and the height of the retaining wall. It would replace the existing low concrete wall and hedge and most of the existing front garden leaving only a very small area above and the area of decking next to the house.
12. The existing hedge is one of several in this part of the street which, together with small areas of grassy front gardens, provide elements of soft landscaping which make a positive contribution to the appearance of the area. The proposed retaining wall and hard surfacing for the parking would introduce a large expanse of hard landscaping which have an adverse impact on the visual character of the street.

13. The proposal would also result in the loss of on street parking spaces. I have taken account of the off street parking and garage adjacent to Nos. 8 and 10 which I understand has been in place for some time. The site at No. 9, opposite, has permission for two houses and associated parking. I consider the circumstances of this site to be different from those of the appeal site in that it has been in use as a repair garage for some time and has an existing dropped curb and access. According to the information before me, it appears that the two houses have been sited and designed to optimise the width of the plot while their juxtaposition with the houses on either side ensures privacy, and the use of an existing drop curb allows for the provision off street parking without any loss of on street parking spaces.
14. I conclude that the proposed parking area would harm the character and appearance of the street scene and result in the loss of on street parking, contrary to draft policies PM1 and T13 and the Framework.
15. For the reasons given above, the appeal is dismissed.

PAG Metcalfe

INSPECTOR