



Appeal Decision

Site visit made on 17 October 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2023.

Appeal Ref: APP/X2220/D/23/3319398

14 North Road, Kingsdown, CT14 8AG

- 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 Slight against the decision of Dover District Council.
 - The application Ref 22/00699, dated 31 May 2022, was refused by notice dated 22 February 2023.
 - The development proposed is erection of single storey rear extension, first floor terrace with balustrade, insertion of french doors to ground and first floor (existing rear extension to be demolished).
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application form described the proposed development as “refurbishment of dwelling and rear single storey extension with terrace area at first floor level. New french doors at ground and first floor levels. Existing rear extension removed”. The council changed this to the description used in the heading above. I have adopted it as it more clearly identifies the development proposed.

Main Issues

3. The main issues in this case are the effect that the appeal proposals would have on the character and appearance of the cottage and its impact on the significance of a designated heritage asset, which is the Kingsdown Conservation Area.

Reasons

4. The appeal site is a two-storey terraced dwelling on the south side of North Road, which lies within the settlement confines of Kingsdown and the Kingsdown Conservation Area, which is subject to an Article 4 direction. The appeal dwelling is a modest two-storey dwelling with two bedrooms at first floor level and a kitchen, bathroom and lounge at ground floor level. The bathroom is accommodated within a single storey rear extension with a felt covered mono-pitched roof, uPVC windows and plastic rainwater goods. This projects into an enclosed yard area, backing onto an alleyway. It is located within a terrace of seven properties comprising 11-16 (consecutive) North Road and 142 Wellington Parade. The latter property, located at the eastern end of

North Road facing the sea and shingle beach, has been extensively developed with a first-floor glazed extension, dormer windows and balcony.

5. The appeal dwelling is not a listed building and there are no listed buildings within the immediate setting of the site. Neither the terrace, as a collective group, nor the appeal site, as an individual building, are included within the Conservation Area Appraisal's list of Non-Designated Heritage Assets. However, from the information before me¹, the terraces of which the appeal property is a part, were likely built between 1850 and 1860, although probably not all at the same time. There is a uniformity in this simple terrace, with shallow pitched slate roofs, common eaves lines and rendered walls. They are fine examples of Victorian artisan housing. I consider that the appeal property and its neighbours, contribute greatly to this part of the conservation area.
6. There is something of a contrast between the frontage and the character at the rear of the terrace. This backs onto a narrow access path which runs west-east, emerging just at the top of the shingle and not greatly above high water level of the sea. The path no doubt gave access from the rear yard of these fisherman's cottages to the sea, and has an historical importance as a result. The path is mainly lined with high fencing and other enclosures, which to an extent hide much of the rear of the cottages from view. It is likely that such enclosures will continue for the future for reasons of privacy, security and protection from the weather in this exposed location just behind the shoreline.
7. Nevertheless, it is possible to see that there have been a number of extensions and alterations, some of which I am told are the result of recent planning permissions. Clearly, I have no direct knowledge of the circumstances of these permissions, but I do not regard them as developments that set any sort of precedent; it is the detail of the proposal before me that will determine my decision.
8. As I have already noted, the high fencing along the path prevents a full view of the rear elevation of the appeal cottage, as it does for its neighbours. There is an existing ground floor extension that the proposal would replace. This extends very nearly as far towards the rear boundary as would the proposed ground floor extension, which would line up with the neighbour's extension, to which the existing extension is attached; it would be about 350mm wider than the existing. The flat roof would reach the same height as the top of the existing mono-pitch roof, and for many people, would most likely be seen from the path. This degree of intrusion might be acceptable, but the proposals for a roof terrace (extending about half way out on the proposed flat roof) is another matter.
9. It would have white timber balustrading, and a white timber louvred privacy screen some 1.8m high. In addition, there would be white timber 'French doors' giving access to the terrace which would be entirely alien to the fenestration of the appeal cottage and of others in the terrace that have not been altered. In total, the higher roof extending across most of the back yard, and particularly the terrace, its balustrading and the privacy screen, would be harmful to the character and appearance of the cottage and the general character of the terrace. As the council's Heritage Officer concludes, the harm cause would be

¹ The information before me includes the helpful appraisal by Nick Dermott RIBA IHBC AoU, Conservation Architect, submitted on behalf of the appellant, and the comments of the Alison Cummings, the council's Principal Heritage Officer.

localised; but that does not belittle its importance to this part of the conservation area. The examples close at hand of terraces above ground floor extensions, to my mind, do not justify a proliferation of such structures.

10. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires "In the exercise, with respect to any buildings or other land in a conservation area, of any [functions] special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. As I noted in paragraph 5 above, this terrace is an example of Victorian artisan housing, and contributes greatly to this part of the conservation area. The proposed development would neither preserve or enhance the character or appearance of the designated Kingsdown Conservation Area.
11. As paragraph 199 of the National Planning Policy Framework (the Framework) states, *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether the potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance"*. I define the level of harm in this case as less than substantial.
12. Paragraph 202 of the Framework goes on to say "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use". I appreciate that the proposal would support the appellant's desire to upgrade the provision of accommodation and refurbish the property to secure its longer-term maintenance. Maintaining the property in a good state of repair within a conservation area can be seen as a public benefit, but does not outweigh the harm that I have identified.
13. For the reasons given above, I will dismiss the appeal.

Terrence Kemmann-Lane

INSPECTOR