



# Appeal Decision

Site visit made on 16 October 2023

**by J Pearce MSc MRTPI**

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

**Decision date: 17 November 2023**

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**Appeal Ref: APP/L2250/W/23/3319583**

**Land to rear of 55 High Street, New Romney, Kent TN28 8AH**

- 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 Lance Best of McKay Group against the decision of Folkestone and Hythe District Council.
  - The application Ref 22/0245/FH, dated 7 February 2022, was refused by notice dated 4 October 2022.
  - The development proposed is the demolition of existing dilapidated buildings & development of 3 residential flats.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The description within the application form related to the development of four apartments. However, the plans indicate that only three flats are proposed. I have therefore taken the description from the decision notice as this provides a more accurate description of the proposal.
3. The reason for refusal makes reference to 1 Church Close. However, the property referred to is known as 1 Church Villas and I have proceeded on this basis.

## Main Issues

4. The main issues are:
  - whether the proposal would preserve or enhance the character or appearance of the New Romney Conservation Area (CA);
  - whether future occupants of Unit 2 would be provided with adequate living conditions, with particular regard to natural light and outlook; and
  - the effect of the development on the living conditions of 1 Church Villas (No 1) and 53 High Street (No 53), with particular regard to outlook and daylight.

## Reasons

### *Conservation Area*

5. The appeal site is located to rear of No 55 High Street (No 55) and lies within the CA. Paragraph 199 of the Framework states that 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.

6. The High Street runs through the CA and comprises the town's historic core. Its character is exceptionally linear, being almost perfectly straight, and continuously built up. There are many examples of Georgian development within the CA and particularly in the vicinity of the site, but it is this seemingly endless High Street, and the simple rhythm of the proportions and detailing of its building, and the consistent presence of pitched roofs, which most defines the significance of the CA as it stands today. Church Close connects High Street with Church Road and consists of a narrow alleyway with development on both sides giving a distinctly urban feel to the locality.
7. Development at the site comprises dilapidated garages with a small garden area to the side. Due to their low scale form, the garages add diversity of scale to the CA, but they equally have a dilapidated appearance. The appeal site aside, Church Close includes well-proportioned two-storey buildings finished with red brick and hipped roofs. The site therefore makes a neutral contribution to the CA.
8. The proposal has sought to incorporate Georgian style features, including in its material finish, sash windows and the mansard roof. However, the functional form of the flat roof to the front elevation of the building, alongside the irregular placement of the windows and doors, particularly on the elevations fronting Church Close and the car park, would relate poorly to the rhythm and relative, elegant simplicity of the CA.
9. Development at the site would have a high impact on the surroundings given the intimacy and busyness of Church Close, which links the High Street to St Nicholas' Church. As such the proposal would cause harm to the significance of the CA. I note reference has been made to development at No 49a High Street. I have not been presented with the specific details of this development; however, I note that this scheme was for first and second floor additions to an existing building where the locational circumstances differ from that at the appeal site.
10. The harm to the significance of the CA would be less than substantial and must therefore be weighed against the public benefits of the scheme, in accordance with paragraph 202 of the Framework. The scheme would provide three dwellings on previously developed land, making a contribution to housing supply. The dwellings would be within walking distance of services and facilities with associated social and economic benefits during the period of construction and once the dwellings are occupied. However, the contribution of three dwellings and the associated benefits are limited by the scale of development proposed and would not outweigh the harm identified.
11. I conclude that the scheme fails to preserve or enhance the character or appearance of the CA. The proposal therefore conflicts with Policies SS3 and CSD1 of the Core Strategy, Policies HB1 and HE1 of the Places and Policies Local Plan (the PPLP) and the Framework, which collectively support proposals of high quality design, make a positive contribution to their location and conserve the significance of heritage assets.

*Living conditions – future occupants*

12. Unit 2 would occupy part of the ground floor of the development. Windows would be provided facing No 53 and No 55, serving a bedroom and combined living, kitchen and dining room respectively. The window serving the bedroom

would be fitted with obscure glazing to the lower half of the window and would be in very close proximity to No 53.

13. The proximity to No 53 would severely restrict the amount of natural light reaching the bedroom of Unit 2. In addition, the lack of separation between the window and No 53 would lead to a highly unacceptable outlook for future occupants of Unit 2. I am aware that the site is within a high-density urban area, and that guidance outlines an expectation that bedrooms will generally require relatively less access to light. Nonetheless, the significant lack of adequate natural light combined with the negligible outlook would result in a very poor standard of accommodation for future occupants of the affected bedroom within Unit 2.
14. The north facing window serving the living, kitchen and dining room would be fitted with obscure glazing and would thus provide no outlook. The room would be served by an additional window facing Church Close, and a glazed front door, which would provide a further source of natural light. However, outlook from this window would also be restricted, as it would be out on to the narrow confines of Church Close. Thus, whilst the level of natural light reaching this room would be sufficient, the level of outlook would not.
15. Accordingly, I conclude that proposal would fail to provide suitable outlook and sufficient natural light for future occupants of Unit 2. On this basis, the development conflicts with PPLP Policy HB1 which seeks to ensure that proposals would not have an adverse impact on the amenity of future occupiers.

#### *Living conditions – No 1 and No 53*

16. No 1 comprises a two-storey semi-detached dwelling with windows facing the site. Although the front elevation would be set back at first floor level, the orientation, proximity and two-storey scale of the development would reduce the amount of natural light that would reach No 1. The appellant's Daylight and Sunlight report confirms as much, with the two windows serving the ground floor living room experiencing a significant reduction in visible sky component. The living room would undergo a consequent, and similarly significant, reduction in daylight distribution. Furthermore, the proximity and scale of the proposal would dominate the outlook from the windows of No 1 and would be an overbearing presence, harming the living conditions of the occupants of No 1 in this respect too.
17. Whilst I recognise that the Council previously granted permission for a two-storey building on the appeal site, this has, I understand, lapsed, and that decision was also made within a significantly different policy context. As such, it has had very little influence on my reasoning.
18. I therefore conclude that the proposal would harm the living conditions of the occupants of No 1. The development therefore conflicts with PPLP Policy HB1 which seeks to ensure that proposals would not have an adverse impact on the amenity of neighbouring properties.

#### **Other Matters**

19. The site is adjacent to No 53, and the Council considers that the first floor of No 53 is within residential use. However, there are no details before me to verify this and it is not readily apparent from the surroundings. Given the

ambiguity about the current use, I have not had further regard to this matter in my assessment.

**Conclusion**

20. The proposal would conflict with the development plan as a whole and the other considerations before me, including the aforementioned public benefits of the scheme, do not indicate that a decision should be made otherwise than in accordance with the development plan. For the reasons given above I conclude that the appeal is dismissed.

*J Pearce*

INSPECTOR