



Appeal Decision

Site visit made on 3 November 2023

by N Perrins BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 December 2023

Appeal Ref: APP/L2250/D/23/3321193

12 Cobden Road, Hythe, Kent CT21 6EY

- 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 Graham Cunningham against the decision of Folkestone & Hythe District Council.
 - The application Ref: 23/0145/FH, dated 31 January 2023, was refused by notice dated 24 March 2023.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the host dwelling and surrounding area and (ii) the living conditions of neighbouring dwellings.

Reasons

Character and appearance

3. The appeal site is a two storey mid terraced dwelling that has been extended to the rear with a single storey extension and dormer in the roof. Many of the other dwellings along the terrace have been extended with single and two storey developments.
4. The appeal scheme would add a flat roofed 2nd storey to the existing single storey extension. I observed on my site inspection that there is a variety of two storey extensions to the rear of the nearby properties along Cobden Road. The majority of these have pitched roofs, although there are two that have flat roofs. I understand from the information before me that the flat roofed examples have been in situ for many years and before the current Local Plan was adopted. The flat roofed examples are, however, notable in that they do not blend in as successfully with their host dwellings compared with those that have used pitched roof designs. As such, whilst there is a variety of two storey development nearby, the appeal scheme would be at odds with the more positive character feature of pitched roof two storey extensions.
5. The appellant also contends that the appeal proposal would be subservient in terms of its scale and design, resulting in an aesthetic improvement to the host dwelling. I agree with the appellant that the extension would be subservient to

the host dwelling in terms of size and scale. However, any benefit from subservience would be undermined in design terms by the proposed flat roof, which would result in a functional and angular appearance that would not integrate or blend in well with the host dwelling at roof level. The appeal development would also replace the single storey extension that currently assimilates successfully with both the appeal site and the mirrored extension with the immediate neighbour at No 10. I therefore do not agree that the design of the host dwelling would be enhanced as a result of the appeal proposal.

6. I agree with the appellant that the development would not result in harm to the street scene as it would not be seen from public vantage points along Cobden Road. However, finding no harm in this respect is a neutral factor that has no weight for or against the scheme.
7. I acknowledge the appellant's needs for enlarged and improved family accommodation. However, this does not have sufficient weight in itself to outweigh my concerns with the design of the appeal proposal.
8. In conclusion, the proposed flat roof is not an appropriate design approach. It would result in an overly dominant development that would not integrate well with the host dwelling and prevailing character of the rear of properties along Cobden Road. Moreover, Policy HB8 (3) of the Folkestone & Hythe Places and Policies Local Plan 2020 (the Local Plan) states that two-storey flat-roof extensions will not be considered acceptable, unless the building itself is of a flat roof design. The existing property has a pitched roof and therefore the appeal proposal does not accord with Policy HB8 (3) of the Local Plan. For the foregoing reasons, the appeal proposal would harm the character and appearance of the area contrary to Policy HB8 of the Local Plan. The appeal proposal would also not be consistent with paragraph 130 of the National Planning Policy Framework (the Framework), which seeks to ensure that developments are sympathetic to local character. There are no material considerations before me that would outweigh the conflict with the development plan.

Living Conditions

9. The extension at first floor would project no further than the existing rear extension building line. As a result, and given the separation distances that exist, there would not be a materially harmful change to the outlooks from No. 8 and No. 10. However, the appeal proposal would be located very close to No. 14 and result in their side windows looking out to a blank façade; due to the closeness and increased height and length of the two storey flank wall, the proposal would therefore have a dominant and overbearing effect on the outlook from the neighbouring property.
10. In terms of the light, there does not appear to be any dispute that the proposal fails the 45 degree angle requirements of Policy HB8 (1). However, the terrace of dwellings already has several extensions to the rear of properties, which establishes a tight urban grain where overshadowing and some loss of light already exists. Indeed, I observed on my site inspection that the rear projection of No. 14 was subject to overshadowing. No information has been provided by the Council to demonstrate what additional harm would occur other than citing the technical conflict with the requirements of Policy HB8 (1).

In practice and given the current context, whilst the existing shadowing might be incurred for longer than existing, it would not be materially different than the existing situation sufficient to justify withholding planning permission on this issue alone.

11. To conclude, the development would not result in a materially harmful loss of light to any property, or outlook to Nos. 8 and 10. However, the development would result in a harmful change in outlook to No. 14 due to the closeness and increased height and length of the two storey flank wall contrary to Policies HB1 and HB8 of the Local Plan, which amongst other things require proposals to not lead to adverse impact on the amenity of future occupiers taking account of poor outlook, and requires alterations and extensions to protect residential amenity of neighbouring properties. The impact identified would also be contrary to Paragraph 130 of the Framework.

Conclusion

12. For the reasons given above the appeal is dismissed as the proposal is not consistent with the policies of the development plan as a whole due to its negative impact on the character and appearance of the area and the living conditions of No. 14 Cobden Road. There are no material considerations that would lead me to a different conclusion.

N Perrins

INSPECTOR