

Appeal Decision

Site visit made on 20 August 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2024

Appeal Ref: APP/X2220/W/24/3336798

99 Sandwich Road, Ash, Kent CT3 2AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Woodruff against the decision of Dover District Council.
 - The application reference is 23/01219.
 - The development proposed is 3 no. 2 storey new dwelling houses and 1 no. new bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal seeks outline planning permission for 3 nos. 2 storey dwellings and 1 no. bungalow, with all matters reserved for future consideration. While detailed plans are before me, I have treated them as illustrative only, for the purpose of making my decision.
3. The Draft Dover District Local Plan (Draft Local Plan) is at an advanced stage. Consultation on the Main Modifications ran until 24 May 2024. The modifications include minor changes to Policy PM1 and its supporting text. The proposed modifications do not materially affect this appeal. While the Draft Local Plan has yet to be adopted, there is a high probability that the policies will eventually be adopted as originally worded or as proposed to be modified. Therefore, having regard to paragraph 48 of the National Planning Policy Framework 2023 (the Framework), they can generally be given a considerable amount of weight.
4. On 30 July 2024, the Government published a consultation on proposed reforms to the Framework and other changes to the planning system. The changes to the Framework can only be given limited weight at this stage, given that no final document has been published. On the same date, the Secretary of State made a Written Ministerial Statement entitled 'Building the homes we need', which is a material consideration. I have taken both documents into consideration during the determination of this appeal.

5. 'Collar Maker's Hole' (Ref: 1070225) is a Grade II listed building, which dates back to the mid-18th century. The listed building lies to the east of the appeal site on the opposite side of the road. I have had special regard to the desirability of preserving the setting of this listed building in the determination of this appeal and I am satisfied that there would be no harm to the special interest of this listed building through changes to its setting.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

7. 99 Sandwich Road (No 99) is a large, detached bungalow, which has accommodation in the roof. The dwelling is set within a spacious and well landscaped garden and lies within the settlement boundary for Ash. The appeal relates to part of the garden of No 99, which includes a strip of land to the side of the property and further land to the rear. The existing bungalow occupies a prominent corner plot. It is sited on higher land than Sandwich Road and is set back in its plot behind a brick wall and soft landscaping. On the opposite side of Sandwich Road is an area of agricultural land. The trees and soft landscaping within the appeal site make a positive contribution to the semi-rural and verdant character of the area and provide an appropriate transition between the village confines and the countryside.
8. There is linear residential development along Sandwich Road, which comprises of a mix of building styles and designs, including bungalows, detached, semi-detached and terraced properties. Adjacent to the boundary of the appeal site is a pair of semi-detached dwellings. To the rear of the appeal site is a two storey detached dwelling, which forms part of a modern housing development, which is centred around a large green.
9. The proposal seeks outline planning permission, with all matters reserved for 3 nos 2 storey dwellings and 1 no. bungalow. The red line site plan shows a relatively narrow strip of land to the side of No 99. Given the narrowness of this strip of land, any dwelling in this location would either extend up to or be sited very close to its side boundaries. The adjacent dwelling (No 97 Sandwich Road) is located close to the site boundary. A new dwelling in this location, even single storey in height, would result in a cramped form of development that would erode the sense of space and openness that the site currently exhibits.
10. The appellant advises that the proposed dwellings would meet the required space standards and have good sized gardens. While I appreciate that there is more than one way to develop the site, given the site constraints and surrounding built form, the provision of 4 new dwellings and associated areas of hardstanding would result in an unduly cramped form of development, which would cause significant harm to the character and appearance of the area.
11. There is limited information before me to demonstrate that a scheme for 4 dwellings could be incorporated on the site, without resulting in harm to the existing trees or their root protection areas. Given the site constraints, it

does not appear possible to construct 3 two storey dwellings and one bungalow on site, which would have a satisfactory relationship with the existing trees. The construction of 4 dwellings on the site and the loss of the existing trees and soft landscaping, would have an urbanising impact on the locality and would cause harm to the character and appearance of the area.

12. The appellant advises that an appeal has been allowed for a detached house on land on the opposite side of the road, which is outside of the settlement boundary. However, there are limited details before me on the circumstances of this other case. Furthermore, it relates only to one additional dwelling, as opposed to 4 new dwellings. As a result, I find that it is materially different from the scheme before me and I give it limited weight in the determination of this appeal.
13. The appellant has brought my attention to other major housing developments in the locality, including those that are outside of the village boundary and not allocated in the development plan. However, there is limited information before me on the circumstances of the other cases and I therefore give them limited weight in my decision.
14. For the reasons given above, I conclude that the proposal would cause significant harm to the character and appearance of the area. The proposal would conflict with Policy PM1 of the Submission Draft Dover District Local Plan and Policy ANP6 of the Ash Parish Council Neighbourhood Development Plan 2018 – 2037, adopted September 2021. These policies among other things require that development makes a positive contribution to the visual character of the area and that development respects and reinforces local distinctiveness. The proposal would also conflict with Paragraph 135 of the Framework, which seeks to ensure that developments are sympathetic to local character, including the surrounding built environment and landscape setting.

Planning Balance

15. While the Council indicate that they are able to demonstrate a five year housing land supply, the Council advises that the housing numbers set out within the Council's Core Strategy, which was adopted in 2010 are out of date and not in accordance with the government's standard methodology. Consequently, paragraph 11 d) of the Framework is engaged. Paragraph 11(d)(ii) of the Framework confirms that in circumstances such as these, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. The proposal would align with the objectives of the Framework, which seek to significantly boost housing supply and promote the effective use of land. The proposal would provide 4 new dwellings, which would make a modest contribution towards the Council's housing land supply. The provision of new housing would have both social and economic benefits, which I give modest weight.
17. However, for the reasons given above, the proposal would cause significant harm to the character and appearance of the area. Consequently, the adverse impacts would significantly and demonstrably outweigh the benefits,

when assessed against the policies of the Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

Other Matters

18. The appeal site lies within the 9km Zone of Influence for the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The SPA is afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). Permission may only be granted after having ascertained that the proposed development would not affect the integrity of these protected sites. As this appeal is being dismissed on other substantive grounds, it is not necessary for me to consider this matter further.

Conclusion

19. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no other material considerations, including the Framework, that would outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

A James

INSPECTOR