
Appeal Decision

Site visit made on 20 January 2025

by **J Pearce MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th February 2025

Appeal Ref: APP/X2220/D/24/3344757

Nikko, The Leas, Kingsdown, Kent CT14 8EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Kevin Hayes against the decision of Dover District Council.
 - The application Ref is 24/00169.
 - The development proposed is the erection of a first floor extension over existing detached garage to create an annex.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 16 October 2024, the Council adopted the Dover District Local Plan 2024 (DLP), which supersedes the Core Strategy 2010 and now forms part of the statutory development plan. However, Policies SP13, H6, NE2 and T13 of the draft version of the Local Plan were also referred to in the decision letter, and the versions of these provided to the appellant are materially the same as the versions now adopted.
3. The revised National Planning Policy Framework (the Framework) was published in December 2024. However, the changes to national policy arising from it are not relevant to the areas of dispute for this appeal. Accordingly, I have not sought comments from the main parties about this matter.
4. In November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became 'National Landscapes'. Nevertheless, the Framework still refers to AONBs and their legal designation and policy status remain unchanged.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, including the Kent Downs National Landscape and Heritage Coast; and
 - highway safety, with regard to whether the proposal would provide a suitable provision of parking.

Reasons

Character and appearance

6. The appeal site is within the Kent Downs National Landscape (NL) and is within land defined as Heritage Coast. Paragraph 189 of the Framework requires that great weight should be given to conserving and enhancing landscape and scenic beauty in the NL. I am also mindful of the statutory purpose of NLs to conserve and enhance the natural beauty of the area. The appeal site comprises a semi-detached dwelling, which occupies an elevated position above The Leas. A single-storey garage building is set within the sloping land to the front of the site and is discreet within the wider landscape.
7. The site is bounded by a golf course to one side and the rear with a large area of trees on the opposite side of The Leas. The area typically comprises an undulating rural landscape with the land rising significantly to form the coastal cliffs beyond the golf course and The Leas. The primarily wooded lower land contrasts with the predominantly open character of the higher ground.
8. Development in the area is typically dispersed with dwellings set back from the road. Garage buildings are present to the front of properties, including at the site, where their typically single-storey scale is subservient to the main dwellings. The buildings to the front of sites are primarily on lower land and largely discreet within the wider landscape.
9. The proposal is for a first floor extension to the existing garage to provide annex accommodation. The raised height of the building would considerably increase the prominence of the building within the landscape. The first floor would project above the sloping land and would dominate views along The Leas and appear incongruous within the area to the front of the dwelling. While the development is not of a significant scale, the enlargement would have a disproportionate and harmful visual effect on the character and appearance of the area. Moreover, the proposal would not appear visually subordinate to the main dwelling.
10. The first floor would be finished with horizontal weatherboarding, which would relate well with the surroundings. Nonetheless, the considerable expanse of glazing, particularly on the side elevation, and the number of solar panels would not reflect the rural character of the area and would add to the level of harm. Given the prominence of the proposal within the landscape, the harm to the character and appearance of the area would be accentuated.
11. I conclude that the proposal would harm the character and appearance of the area and would not conserve landscape and scenic beauty in the NL. The development therefore conflicts with Policies SP13, H6, and NE2 of the DLP, which collectively require that proposals within, or affecting the setting of, the NL and Heritage Coasts must have regard to the purpose of conserving and enhancing their natural beauty, be designed to avoid or minimise adverse impacts on the NL, and be suitable in size and scale and clearly ancillary and visually subordinate to the main dwelling.

Highway safety

12. The Leas is a narrow private road, which widens in places to allow vehicles to pass each other. The site is detached from the nearest settlement and there is no substantive evidence before me relating to the provision of public transport in the area. The existing garage provides parking spaces for up to two vehicles.
13. The proposal would provide further accommodation at the site in the form of the annex accommodation. No additional car parking spaces would be provided as part of the development. The additional accommodation at the site would lead to an increase in the need for car parking, in accordance with the adopted parking standards. It is therefore likely that any additional vehicles would be required to park on The Leas. Given that The Leas is a narrow road, the parking of vehicles within the passing places or on the verge would be likely to restrict traffic flow to the detriment of highway safety.
14. I conclude that the proposal would have an unacceptable effect on highway safety as a result of the inadequate provision of parking. The development therefore conflicts with Policy T13 of the DLP, which requires the parking provision to take account of local circumstances.

Other Matter

15. The appellant has drawn my attention to development at the golf club. While the information before me is limited, the visual effect would be limited due to the single-storey scale of the extension. In addition, the appellant has referred me to development at Hope Bay and Oldstairs Road. However, I have not been presented with sufficient information, including the characteristics of these sites and the surrounding area, from which to draw suitable comparisons with the appeal scheme. In any case, each proposal should be considered on its individual merits and with appropriate regard to the development plan and any material considerations, which is what I have done in this case.

Conclusion

16. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR