



Appeal Decision

Site visit made on 13 March 2025

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2025

Appeal Ref: APP/X2220/W/24/3353556

66 Noahs Ark Road, Dover CT17 0NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by David Jarvis against the decision of Dover District Council.
 - The application Ref is 22/00917.
 - The application sought planning permission for erection of an attached dwelling without complying with a condition attached to planning permission Ref 22/00917, dated 4 October 2022.
 - The condition in dispute is No 2 which states that: The development hereby approved shall be carried out in accordance with the following documents and approved plans: EMA-2022-41-02 Rev2 received 2 September 2022 and EMA-2022-47-01 received 12 July 2022.
 - The reason given for the condition is: For the avoidance of doubt.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council issued its decision, the Dover District Local Plan to 2040 (LP) has been adopted on 16 October 2024. On 12 December 2024, a revised National Planning Policy Framework (the Framework) was published. The parties have had the opportunity to comment with respect to these matters.

Background and Main Issue

3. The appellant seeks to erect a dwelling of a different design to that approved. Consequently, the main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site lies within a predominantly residential area. The topography is sloping, quite steeply in places. Development appears to have been carried out at different times, meaning that the surrounding area does not have a regular layout, nor do dwellings along Noahs Ark Road have a consistent form or appearance.
5. The proposed dwelling would be attached to the end of a modern terrace. The dwellings in that terrace have a uniform and consistent scale, stepped pattern and appearance. The introduction of a dwelling which would not replicate this uniform scale and appearance would appear as a discordant addition to the terrace.
6. There is a semi-detached property to one side of the terrace, and a further terrace to the other. These are constructed of the same materials as the appeal terrace

and some of the properties have the same appearance as the host terrace. However, these variations would not justify the introduction of a dwelling which would detract from the proportions of the existing terrace. Nor would the variety in the surrounding area outweigh the harm I have identified.

7. The proposal would therefore have an adverse effect on the character and appearance of the area. It would therefore be contrary to LP Policy PM1 which requires development to respond positively to the existing built form, be well designed and pay particular attention to scale and rhythm.

Other Matters

8. There is no substantive evidence to indicate that there would be a safety issue should this proposal be dismissed. Although the land may be challenging to maintain, this would not outweigh the harm to the character and appearance of the area I have identified. There is no evidence that the Council made its decision on anything other than robust planning grounds.

Conclusion

9. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to indicate the decision should be made otherwise. For the reasons given, I conclude that the appeal should be dismissed.

J Downs

INSPECTOR