



Appeal Decision

Site visit made on 11 June 2025

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th June 2025

Appeal Ref: APP/X2220/W/24/3356243

24 Park Road, Temple Ewell, CT16 3AN

- 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 Chunnel Group against the decision of Dover District Council.
 - The application Ref is 24/00268.
 - The development proposed is a replacement dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a replacement dwelling at 24 Park Road, Temple Ewell, CT16 3AN in accordance with the terms of the application, Ref 24/00268, subject to the conditions in the attached schedule.

Preliminary Matters

2. An adjoining occupier was not informed directly of the planning application and did not receive the letter sent on behalf of the appellant in April 2024. The Council advise that they do not carry out neighbour notifications but rather erect site notices. This is in line with Article 15 (5) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 which requires applications to be publicised by giving requisite notice either by site display or by serving notice on any adjoining owner or occupier.
3. That person is now aware of the proposed development and has objected to it as part of the appeal process. Those representations have been taken into account and I undertook part of my site inspection from their property. There is no information about whether a site notice was put up but I am satisfied that no prejudice would be caused by determining the appeal. Whilst the individual concerned may wish to have objected sooner their views are now known and have been considered.
4. The appellant accepts that the trees and hedges shown on the computer generated images that accompanied the application are indicative. My assessment is primarily based on the plans and what I observed on site and the CGI material has not, therefore, been misleading.
5. The proposal has been produced following a topographical survey of the existing site. There is no reason to suppose that the proposed finished floor levels in relation to existing site levels are anything but accurate and therefore the plans correctly show the scale and massing of the new dwelling.

Main Issues

6. These are:

- The effect of the proposed development on the character and appearance of the surrounding area; and
- The effect on the living conditions of the occupiers of The Old Vicarage with particular reference to privacy.

Reasons

Character and appearance

7. The proposal is to replace a 1950s bungalow with a contemporary house on three floors. Although the built footprint would be marginally smaller, the overall gross external area would be almost three times larger. This is partly because the lower ground floor level would be cut into the slope to create a semi-basement. The finished floor level of the upper ground floor would be the same as that of the existing dwelling. However, it is the actual effect of the proposed dwelling on the locality that is important rather than a simple comparison with the current one.
8. Park Road is of limited width and unadopted. It is part of a larger area of housing with an informal character. The section between Green Lane and Malvern Road, which includes the appeal site, contains only a few properties. These are of varied designs and laid out informally rather than regularly. Particular features of the locality are the steep topography and the profuse vegetation.
9. The proposed dwelling would be 'end on' to the road with correspondingly longer side elevations. The front façade would therefore be narrower than the norm in both the immediate and wider vicinity. However, there is no coherent street scene given the mixed nature of Park Road, the vegetation and the disparity in the height of the neighbouring houses at 22 and 28 Park Road. As such, the proposal would not be seen directly in conjunction with other buildings. On the contrary, it would 'stand alone' from them and would not appear disproportionate in its context. Indeed, the siting of the proposal ensures that generous gaps between buildings would be maintained thereby reinforcing this aspect of the surrounding area.
10. The National Planning Policy Framework refers to sympathetic development whilst not preventing or discouraging appropriate innovation or change. There is therefore no objection to a modern design per se. Whilst some buildings nearby have flat roofs and permission has been given for one at the junction of Park Road and The Avenue, the majority have pitched roofs. However, this part of Temple Ewell has evolved in an unplanned and organic fashion. The general roofscape is not such a strong element of local character and history that it needs to be replicated at the appeal site. There is therefore no basis to refuse the proposal on the basis that it is not well designed and the Design and Access Statement demonstrates an appropriate and integrated response to the site context.
11. The proposal would therefore not harm the character and appearance of the surrounding area. The expectations of Policy PM1 of the Dover District Local Plan, which seeks to achieve high quality design, would be complied with.

Living conditions

12. The external area of The Old Vicarage is extensive and comprises several 'tiers' as the land slopes down markedly from Park Road. It includes a swimming pool and tennis court as well as large trees and outside sitting areas, including one associated with the annexe. This is immediately adjacent to the road and directly opposite the appeal site.
13. The position of the front ground floor windows and terrace of the proposed dwelling would be similar to those of the existing bungalow although slightly further forward. However, the area of glazing would be larger. Furthermore, the first floor bedroom window would be higher than the current fenestration and in close proximity to the hard surfaced area next to the annexe. They would, however, be separated from The Old Vicarage by the boundary wall along Park Road.
14. Because of the angles and distance little can be seen of the private areas at The Old Vicarage from the existing terrace at No 24, including the pool and tennis court. In broad terms this would remain the position as a result of the proposed development. The additional storey would be higher than what is there today but the attention of anyone inside it is likely to be focussed on the distant vista of the Alkham Valley. It is also unlikely that future occupiers would spend time gazing out of their bedroom window. As a result, general levels of privacy within the grounds of The Old Vicarage would still be high.
15. The ground and first floor windows proposed would be apparent from the upper sitting area and patio at The Old Vicarage. Because of the disposition of the proposal and the annexe at right angles to one another, significant views into its internal areas would be unlikely. Furthermore, whilst existing residents would be aware of the proposed windows, in practice, the likelihood of overlooking occurring would be limited and not to the extent that privacy would be seriously invaded.
16. The Framework refers to a high standard of amenity for existing users. More specifically, Local Plan Policy PM2 establishes that new residential development should be compatible with neighbouring buildings and not lead to unacceptable living conditions. As that would be the case here there is no objection in respect of this issue.

Other Matters

17. The intention is to connect to the public sewer that runs along Park Road. Formal application to Southern Water will be required for any new connection but no objections have been raised. There is no technical evidence that the proposed excavation into the underlying chalk would result in land stability issues. A sustainable drainage solution is proposed but details of how runoff would be dealt with and flood and infiltration issues avoided can be left to a condition.

Conditions

18. The approved plans should be specified for certainty. Three of the references given on the sheets are identical but the drawings can be distinguished by their description. In the interests of the character and appearance of the area, details of the external materials should be agreed. To ensure that the development functions properly the parking and turning area should be provided. For similar reasons details of surface water drainage are required. To minimise the scope for

overlooking, details of the privacy screens and the means of enclosing the terrace areas should be secured.

19. Bin storage is shown within the garage and there would also be scope to keep bicycles in the lower ground floor area. Requiring further details in these respects is therefore unnecessary. There is no evidence of the likelihood of archaeological remains being discovered at the site and so a condition requiring a watching brief is not warranted. The dwelling would be well separated from neighbouring houses and there is no compelling reason to restrict national permitted development rights.

Conclusion

20. The proposal would accord with the development plan. There are no material considerations to outweigh that finding. Therefore, for the reasons given, the appeal should succeed.

David Smith

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - 30747A-CLA-EX-00-PD-A-01 (site location plan)
 - 30747A-CLA-EX-00-PD-A-02 (existing site plan)
 - 30747A-CLA-PR-00-PD-A-01 (block plan)
 - 30747A-CLA-PR-BS-PD-A-01 (proposed lower ground floor plan)
 - 30747A-CLA-PR-GF-PD-A-01 (proposed ground floor plan)
 - 30747A-CLA-PR-GF-PD-A-01 (proposed first floor plan)
 - 30747A-CLA-PR-GF-PD-A-01 (proposed roof plan)
 - 30747A-CLA-PR-ZZ-ED-A-01 (proposed elevations north and south)
 - 30747A-CLA-PR-ZZ-ED-A-02 (proposed elevations north and south)
 - 30747A-CLA-ZZ-ZZ-DE-A-01 (existing and proposed street elevations west)
 - 30747A-CLA-ZZ-ZZ-DE-A-02 (existing and proposed street elevations south)
- 3) No development above ground level shall take place until samples of the external materials have been submitted to and approved in writing by the local planning authority. Development shall be carried out with the approved materials.
- 4) The driveway and turning area shown on drawing no 30747A-CLA-PR-BS-PD-A-01 (proposed lower ground floor plan) shall be provided before the dwelling hereby permitted is first occupied and shall thereafter be retained for that purpose.
- 5) No development above ground level shall take place until details of surface water drainage have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No development above ground level shall take place until details of the privacy screens and the means of enclosure of the terraces have been submitted to and approved in writing by the local planning authority. The approved details shall be carried out before the dwelling hereby permitted is first occupied and thereafter retained.