
Appeal Decision

Site visit made on 24 July 2025

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 August 2025

Appeal Ref: APP/X2220/W/25/3362245

44-46 Mill Hill, Deal, Kent CT14 9EW

- 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 Hume Planning Consultancy Ltd against the decision of Dover District Council.
 - The application ref. is 24/01248.
 - The development proposed is for the erection of a detached bungalow and sub-division of the existing property to two dwellings, following the demolition of the existing garage and rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for the the erection of a detached bungalow and sub-division of the existing property to two dwellings, following the demolition of the existing garage and rear extension at 44-46 Mill Hill, Deal, Kent CT14 9EW in accordance with the application ref. 24/01248, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the surrounding area;
 - the living conditions of future occupants of the development in respect of privacy and external amenity space; and
 - highway safety.

Reasons

Character and appearance

3. The appeal site is located in a backland situation, bounded by the curtilages of properties on Mill Hill and St James Close. The locality is broadly characterised by commercial and residential units situated within urban surrounds.
4. I saw at my site visit that there are a number of other buildings in the neighbourhood in backland settings, for example on the adjacent sites at 36 and 42 Mill Hill. Moreover, in this high-density locality many properties are set immediately adjacent to plot boundaries, and with only minimal separation distance between built form.

5. Being single storey in nature and located on an inconspicuous plot away from the public domain, I consider that the proposals would not have a deleterious effect on the character and appearance of the area. I acknowledge that the elevations would be constructed close to the perimeter of the site, however this would not appear out of place or unduly cramped in these built-up environs.
6. Moreover, such a layout would not be appreciably different to existing structures elsewhere. Those I mention above are visible from the public domain along the driveway access from St James Close. The bungalow to the rear of 42 Mill Hill in particular is relatively large and would effectively screen the new development from this vantage point.
7. The National Planning Policy Framework (the Framework) states at paragraph 135 that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. In design terms, I acknowledge that being in a backland position the scheme requires a sensitive approach. Nonetheless, to my mind the proposed building would neither be awkward, discordant or contrived in its scale and design, nor would it represent an over-development of the site. Moreover, there is no prevailing architectural style to properties in the immediate street scene, which is characterised by properties of differing age, size, design, detailing and external materials; in the context of the multi-faceted character of the neighbourhood I find that there would be no material harm as a result.
8. I note that the Council does not object to the alterations to the frontage building and I have no reason to disagree.
9. I therefore conclude that the scheme would assimilate with the character and appearance of the surrounding area. It would adhere with Policies PM1 and SP4 of the Dover District Local Plan October 2024 (LP), which require new development to be designed to a high quality and respect to the distinctive local character of the area in which it is situated. It would also be consistent with the Framework, which states that good design is a key aspect of sustainable development.

Living conditions

10. My attention is drawn to nos. 13 and 14 St James Close, which lie to the northwest of the appeal site. I am told that the wall-to-wall separation distance between these existing dwellings and the new unit would be approximately 20 metres; the Council does not appear to have any specific minimum requirements in this regard. To my mind this gap would be adequate so as to avoid any undue loss of privacy to the bungalow. Furthermore, I am aware that intervening planting could be incorporated into the rear garden of the bungalow to further screen any inter-visibility between current and proposed residences.
11. The distance from the front elevation of the bungalow and the rear wall of the subdivided frontage dwellings would be some 11.5m. Whilst more constrained, I am cognisant that the only one window serving a habitable room would be installed in this elevation, and as above intervening planting and fencing can be formed to prevent adverse loss of privacy between properties.
12. In respect of external amenity space, I have not been provided with any specific Local Plan policy requirements relating to the length or breadth of garden areas. To

my mind, the gardens would retain useable rectangular shapes, and I am satisfied that they would meet the needs of residents.

13. I find that the scheme would not be injurious to the living conditions of future occupants of the development in respect of privacy and external amenity space. Accordingly, it would comply with Policy PM2 of the LP and the Framework, which state that all new residential development must be compatible with neighbouring buildings and seek to secure safe and healthy living conditions.

Highway safety

14. I saw that the frontage of the existing appeal site provides space for vehicles to park off-street. It would appear to be of appropriate depth for vehicular use, and the site plan indicates that pedestrian access would be provided for the bungalow towards the rear via an alleyway to the side of the frontage development.
15. I acknowledge that the proposals would result in vehicles reversing onto the public highway to leave the site, however this is no different to the current situation. Such arrangements are also in place to the fore of buildings elsewhere along this side of Mill Hill. To my mind, taken in the round such manoeuvring should be able to occur without causing deleterious highway safety conditions or inconvenience to other road users. I have also borne in mind that manoeuvres would be at slow speed and infrequent in nature and there is good visibility along Mill Hill in both directions.
16. I conclude that the scheme would not give rise to concerns in relation to highway safety. It would meet with Policies SP4 and T12 of the LP and the aims and objectives of the Framework by avoiding severe impacts upon the transport network.

Conditions

17. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. I have altered some of the Council's suggested conditions for clarity and conciseness. In addition to the standard implementation condition, the approved plans are listed for certainty. Conditions requiring external materials to be submitted would provide for a satisfactory appearance.
18. Tree protection conditions would ensure protection of existing specimens and visual enhancements to the development. A condition relating to car parking, cycle storage and refuse would ensure the provision and retention of such facilities on site. Given the close relationship between the proposed plots, removing Class A-G permitted development rights is both reasonable and necessary to protect the living conditions of neighbouring occupiers, with a landscaping scheme required in the interests of the future occupants of the bungalow.
19. Conditions with regard to financial contributions to the Thanet Coast and Sandwich Bay Special Protection Area and biodiversity net gain are required to mitigate the impacts of the development in this respect. I am satisfied that water efficiency and accessibility issues can be adequately addressed under the Building Regulations.

Conclusion

20. Having regard to the above and all other issues, the appeal is successful.

C Hall

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P01, P02, P04, P06, P08, P09.
- 3) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained thereafter.
- 4) The development shall be carried out in accordance with the recommendations in the Pre-Development Survey and Tree Report dated 14 November 2024.
- 5) Prior to the commencement of the development, an Arboricultural Method Statement providing details and formation of a piled foundation shall be submitted to and approved in writing by the LPA. The development shall thereafter be carried out in accordance with the approved details.
- 6) The development shall not be occupied until the car parking spaces, cycle stores and bin stores have been laid out within the site in accordance with the approved plan P08. The facilities shall be used and permanently retained exclusively for their designated purpose.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A-G of Part 1 of Schedule 2 to the Order shall be undertaken.
- 8) Prior to the first occupation of the new dwellings, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 9) The approved hard landscaping scheme shall be implemented prior to the occupation of the development hereby approved and maintained thereafter. All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or

diseased shall be replaced in the next planting season with others of similar size and species.

- 10) No development shall take place until the Strategic Access Mitigation and Monitoring Payment has been made in respect of the Thanet Coast and Sandwich Bay Special Protection Area.
- 11) Prior to the commencement of the development hereby permitted, a Biodiversity Gain Plan is required to be submitted to and approved in writing by Dover District Council. The development shall thereafter be carried out in accordance with the approved details.