



Appeal Decision

Site visit made on 17 July 2025

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 August 2025

Appeal Ref: APP/X2220/D/24/3358118

5 Griffin Street, Deal, Kent CT14 6LH

- 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 James Jones & Noel Saunders against the decision of Dover District Council.
 - The application Ref is 24/00660.
 - The development proposed is the replacement of existing window with glazed door, installation of new window to 2nd floor and erection of balcony and balustrade to rear and privacy screen.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupants of neighbouring properties.

Reasons

3. The appeal site comprises a terraced property positioned at the junction of Griffin Street with George Street. A small courtyard exists to the rear of the property, adjoining that of the neighbouring property.
4. The proposed terrace would be elevated, and would extend over part of the existing rear courtyard, to the side of the historic outrigger. It would be setback marginally from the end of the outrigger, with a 1.8 metre high screen along the site boundary and a 1.1 metre high balustrade to the rear.
5. The limited separation distance between properties fronting Griffin Street and George Street, together with their height and the position of historic outriggers already have an enclosing effect on the rear courtyards of properties fronting Griffin Street, including that at No 4. The proposed development, particularly the associated screen, by reason of its nature, scale and proximity to the rear courtyard of No 4, would further increase this sense of enclosure. This would have a harmful overbearing effect on the users of the courtyard at No 4.
6. I appreciate that other examples of raised terraces and balconies exist within the surrounding area. Although I have limited information before me as to their planning history, or any planning balance undertaken, there are no examples before me which have the same characteristics as the appeal property. I have therefore assessed the appeal proposal on the evidence before me and my own observations on site. Ultimately, the existence of other terraces in the surrounding area has not led me to an alternative conclusion.

7. There is no dispute between the Council and appellant in respect of the proposed doorway or window, or in respect of privacy or disturbance from the proposed terrace. I have no reason to disagree with those findings. Nevertheless, the lack of harm in those respects does not overcome or outweigh the harm that I have identified above.
8. Overall, the proposed development would have an unacceptable impact on the living conditions of neighbouring occupants, contrary to the relevant provisions of draft policies PM2 and H6 of the draft Dover Local Plan. These policies, insofar as the appeal is concerned, seek to protect the living conditions of the occupants of neighbouring properties, including through a sense of enclosure. This is in a similar vein to the provisions of the National Planning Policy Framework (the Framework) insofar as the protection of the standard of amenity for existing and future users is concerned.

Other Matters

9. The appeal property is a listed building and is located within a conservation area. It is also located within the wider surroundings of other Grade II listed buildings. Consequently, I have had special regard to the statutory duty set out in sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Given the location and extent of the proposed development, I consider that it would preserve the special interest and significance of the listed building, the setting of the adjacent listed building and the character and appearance of the conservation area. I note the Council had no concerns in these regards either. Moreover, a separate listed building consent has been issued for the same works.
10. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Wider planning considerations are paramount but nevertheless the particular effects of the development are a matter to which I give moderate weight in assessing the proposal. However, I have reasoned above the significant harm that the proposed development would cause to the wider public. Consequently, these matters have not altered my conclusion on the main issue.

Conclusion

11. For the reasons given above, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR