



Appeal Decision

Site visit made on 10 October 2025

by **A James BSc (Hons) MA MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2025

Appeal Ref: APP/X2220/W/25/3363652

Hills Down, Saunders Lane, Ash, Kent CT3 2BX

- 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 Ms Jing Mitchell of Everland Property Ltd against the decision of Dover District Council.
 - The application reference is 23/01354.
 - The development proposed is described as 'the erection of 2 no. detached dwellings, with widening of existing vehicular access and associated parking and landscaping at the rear of Hills Downe, Saunders Lane, Ash.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As this appeal relates to planning permission only, I have omitted the part of the proposal description that relates to listed building consent.
3. The appellant has submitted revised plans as part of the appeal. The Procedural Guide for Planning Appeals makes it clear that the appeal process should not be used to evolve a scheme and it is important that what is considered is essentially what was considered by the Council, and subject to consultation. I have applied the principles derived from *Holborn Studio Ltd v The Council of the London Borough of Hackney* (2017)¹. In the interests of procedural fairness, I find that this appeal must be determined on the basis of the plans considered by the Council. To do so otherwise could prejudice the interests of other parties who have not been consulted and may have observations to make.
4. The Council confirms that reason for refusal 2 has been overcome by the payment of the Strategic Access Management and Monitoring Strategy contribution.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of Nos. 116 and 116A New Street (Nos. 116 and 116A), having particular regard to overbearing, sense of enclosure and outlook.

Reasons

6. The appeal property has a long rear garden, which is bordered on one side by the rear boundaries of a number of bungalows, which have accommodation within the

¹ EWHC 2823 (Admin)

roof space. The bungalows are modest in size and have small rear gardens. They are sited on lower land than the appeal site. The roofs of the bungalows are visible from the appeal site, above the boundary fence.

7. The proposal seeks to provide two new dwellings within the garden, which would utilise traditional materials. Each dwelling would have an attached double garage. A detached garage with a studio in the roof space is also proposed for the host property. The proposed development would be sited in close proximity to the boundaries of the adjacent bungalows. No. 116 would have an almost continuous line of development adjacent to its rear boundary. The two storey gable end of Plot 2, with its bland flank elevation and large chimney would be particularly prominent and overbearing to the occupants of No. 116. I appreciate that the proposed garages would only be single storey in height and that their roofs would slope away from the boundary with the bungalows. However, given their close proximity to the boundary; their height and massing; and, the change in the levels of land, the roofs of the garages would be prominent from the adjacent bungalows.
8. Plot 116A would experience similar impacts from the gable end of Plot 1 and the new detached garage. Overall, I find that given the siting, height and massing of the proposed development, it would appear unduly overbearing and result in a harmful sense of enclosure and loss of outlook to the occupants of both Nos. 116 and 116A, which I give significant weight in my decision.
9. The principle of constructing a new dwelling on the appeal site has already been accepted by the Council; albeit this scheme has now time expired.² While full details of the lapsed scheme are not before me, I am advised that it related to one dwelling, which was sited further away from the boundary with the bungalows than the appeal scheme. As a result, it is materially different to the appeal scheme and I therefore give it limited weight in my decision.
10. The appellant advises that prior to the submission of the planning application, land was sold to the occupiers of the adjoining bungalows to increase the size of their gardens, improve their outlook and reduce any sense of enclosure. However, based on the plans before me and my site visit, I do not find that this mitigates the harm that I have identified above.
11. For the above reasons, I conclude that the proposed development would be harmful to the living conditions of occupants of Nos. 116 and 116A, having particular regard to overbearing, sense of enclosure and outlook. The proposal would conflict with Policies SP4, PM1 and PM2 of the Dover District Local Plan to 2040, adopted October 2024. These policies among other things require that a proposal is compatible with neighbouring buildings and does not lead to unacceptable living conditions.

Other Matters

12. 'Hills Downe' is a Grade II listed building which was constructed in the late 17th century and remodelled in the 18th century (Ref: 1370028). It is two storeys high and constructed of red brick, with a rendered and weatherboarded rear wing. It has a plain tiled roof. The listed building has been altered and extended throughout its history.

² Ref: DOV/20/00643

13. Based on the evidence before me and my site visit, I find that the special interest of the listed building insofar as is relevant to this appeal is derived from its historic and architectural interest as an illustration of 17th century domestic architecture. The building's surviving historic fabric, use of traditional materials and its pleasing architectural character and design make important contributions in these regards.
14. The Council raises no objections to the proposed development in respect to the setting of the listed building. In this case, given the nature of the proposal, the separation distance between the proposed development and the listed building and the fact that residential development has previously been consented on this site, I find no reason to reach a contrary conclusion to the Council on this matter and find that the proposal would preserve the setting of the listed building.
15. The appellant alleges that the proposal would enhance the setting of the listed building through the replacement of the existing garage and wall, which are both in a poor condition. The appellant considers that both are curtilage listed; however, there is no listed building consent appeal before me. The garage had already been demolished at the time of my site visit and its removal is therefore not dependent on the appeal scheme. While the Council raises no objections to the positioning of the wall, the proposal would alter the historic alignment of this wall and has the potential to result in the loss of historic fabric. I appreciate that the consented scheme included works to demolish and rebuild a wall; however, full details of the consented scheme are not before me. It is unclear from the evidence before me whether any of the historic fabric from this wall would be re-used in the repositioned wall. Consequently, I do not find that such works amount to a public benefit and cannot rule out potential harm in this regard.
16. The site lies within the zone of influence for the Thanet Coast and Sandwich Bay Special Protection Area, which is a European protected site. However, there is no need for me to consider the implications of the proposed development on the European protected site because the scheme is unacceptable for other reasons.
17. The Council has an up-to-date Local Plan. There is no compelling evidence before me that the Council does not have a five year housing land supply. Consequently, it is not necessary for me to carry out a planning balance.

Conclusion

18. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no other material considerations, including the Framework, that would outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

A James

INSPECTOR