

Appeals and Informal Hearings

20/00541 - Land adjacent to The Patch, Station Road, St Margaret's at Cliffe, Kent (Appeal Ref: APP/X2220/W/21/3278274)

The development proposed is erection of four detached dwellings with the creation of a new access from Station Road.

Determined by Planning Committee (in accordance with the officer's recommendation).

Appeal Allowed: The main issues were the impact on character, appearance and scenic beauty of area (within AONB), effect on setting of heritage assets, whether there are any material considerations which indicate a decision should be contrary to the development plan. The inspector considered that the 'moderate' harm to the landscape would be reduced to 'limited' when landscaping matures; that there would be no harm to the Conservation Area and less than substantial harm to setting of Listed Church' and that the dwellings would be in keeping with character of area and street scene. The development was considered acceptable in terms of highways impact. There would be a public benefit by virtue of providing four dwellings. The tilted balance did not apply due to harm to AONB. The Inspector considered social and economic benefits outweighed harms identified.

21/01259 - 69 Folkestone Road, Dover CT17 9RZ (Appeal Ref: APP/X2220/W/22/3292029)

The development proposed is for a three-storey rear extension.

Determined under delegated authority.

Appeal Dismissed: The main issues were the impact on the character and appearance of the area and whether there would be a satisfactory standard of accommodation for future occupants (internal space standards and private outdoor areas). The Inspector concluded that scale of the extension would be too large, projecting beyond side elevation and deep into garden. It would be out of keeping with existing pattern of development, resulting in partial infilling of existing break between properties (forming discordant feature, not a subservient addition contrary to p.130 NPPF) and would create three additional 1 bed dwellings which would be very small, feeling cramped and oppressive to occupants. No provision made for private/communal amenity space.

21/01212 - Land south of White Mill, Ash Road, Sandwich CT13 9JB (Appeal Ref: APP/X2220/W/21/3285435)

Removal of condition 3 (DOV/19/01178) which required submission within 6 months of details demonstrating how the existing vehicle access would be permanently closed (including schedule and timetable for works)

Determined under delegated authority.

Appeal Allowed and Award of Costs Allowed: The main issues were whether the condition was necessary and reasonable in the interests of character and appearance of landscape (including loss of countryside) and ecology. The holiday park is currently accessed via private road off Woodnesborough Road. Removing the condition would allow continued use of the existing access, in addition to approved access from Ash Road. The LPA considered that the

closure of existing access would form public benefit which would outweigh the harm to countryside of the new access. The Inspector considered that the condition would not provide a benefit to the character or appearance of the area and whilst the closure of the existing access would provide a benefit by reducing large vehicle movements through the town, the provision of the new access would provide such a benefit. In respect of ecology, the permission included a separate condition for ecological mitigation/enhancement/compensation and there was no evidence that the retention of the existing access would harm ecology. The LPA has not demonstrated with any clear evidence how the proposal would harm the character and appearance of the area or ecology and has therefore acted unreasonably.

21/00274 - Land at Archers Low Farm, Sandown Road, Sandwich, Kent CT13 9NU (Appeal Ref: APP/X2220/W/22/3303230)

The development proposed is for the erection of 44 no. dwellings with associated access, parking, open space, landscaping, drainage and infrastructure. (Amended plans and details).

Determined by Planning Committee (contrary to the officer's recommendation).

Appeal Dismissed: The main issue was the proposals impact on the character and appearance of the area, with particular regard to the loss of trees. The site was proposed to be allocated for 40 dwellings (Reg. 18 plan), but is now proposed to be allocated for 35 dwellings (Reg. 19 plan) under policy SAP 22. The Inspector concluded that the development would be largely screened from public views from St Georges Road whilst views from more distant views along Sandown Road and other public rights of way would be negligible. The main visual impacts therefore were from Sandown Road adjacent to the site. The Inspector disagreed with the appellant's conclusion that the site is perceived as within the settlement fringe, instead concluding that the site is an integral part of the unspoilt countryside that wraps around this part of Sandwich. Therefore, the visual harm is greater than that suggested by the appellant. A significant number of trees would be removed, including loss associated with the proposed access. Views through the access would reveal housing close to tree belt and road, with little scope for additional planting. Whilst there would be some benefits to the management of retained areas of trees it would increase visual porosity and the efficacy of the tree belt. The protection and management of retained trees would provide safeguards against further loss of trees, albeit there would remain some residual pressure for works to trees during construction and during the occupation phase. The scheme was considered to be well designed and would provide additional housing including 14 affordable dwellings which attracted significant weight, whilst the inspector cited significant economic benefits to the scheme. The sustainable location, biodiversity net gain, proactive tree management, planting of a new woodland and ecological enhancement were considered to be neutral (absence of harm), rather than positive benefits, which any new development would be expected to achieve. Applying the tilted balance, the Inspector concluded that whilst the development would provide quite significant social and economic benefits, they would be significantly and demonstrably outweighed by the substantial harm identified and consequently the appeal should be dismissed.
