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## Appeal Decision

Site visit made on 14 May 2018

**by AJ Steen BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7 June 2018**

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**Appeal Ref: APP/X2220/W/18/3196016**

**Land between 107 and 127 Capel Street, Capel-le-Ferne, Folkestone CT18 7HB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Odlin against the decision of Dover District Council.
  - The application Ref DOV/16/01316, dated 11 November 2016, was refused by notice dated 7 September 2017.
  - The development proposed is 10 flats in 2 no. blocks (6x1 bed and 4x2 bed); and 31 houses (10x2 bed, 15x3 bed and 6x4 bed); plus associated access and parking.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr Odlin against Dover District Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. The proposal is for outline planning permission, and the application form makes clear that approval is also sought at this stage for access and layout of the development, but not for its scale, appearance and landscaping. Drawings have been submitted showing the proposed access and layout of the development, along with an affordable housing plan and drainage strategy plan.
4. The site has been allocated for residential development by Policy LA26 of the Dover District Land Allocations Local Plan (LALP).
5. A signed and executed Unilateral Undertaking (UU) was submitted during the course of the appeal and the Council were given the opportunity to comment on it. I will return to that within my reasoning.

### Main Issues

6. The main issues are:
  - the effect of the proposed residential development on the character and appearance of the street scene;

- whether the proposed residential development would conserve the landscape and scenic beauty of the Kent Downs Area of Outstanding Natural Beauty, or its setting.

## **Reasons**

### *Character and appearance*

7. Capel Street is a narrow, predominantly residential, street that leads from the main road through Capel-le-Ferne into the surrounding countryside. Development along the road is an eclectic mix of houses that have varied scale, materials and design. It comprises a mix of two storey houses and bungalows, most of which are detached but with some semi-detached dwellings. This results in a varied character and appearance to the street scene.
8. The layout of the proposed development shows detached dwellings on the frontage with the same footprint. To the rear are predominantly semi-detached houses that also each appear to have identical footprints. Two blocks of flats are shown in the centre of the development of similar footprint. The orientation of the buildings shown on the layout plans would vary and the detailed design and use of materials may also provide some variety to the appearance of the buildings. However, the similar footprint of the dwellings proposed suggests that the development would have a regular appearance. Given the varied character of surrounding development, that would appear incongruous within the street scene.
9. The scale of development is not to be determined at this stage, although I understand that it would be predominantly two storey houses, with the flats being two and a half storeys. That would add to the consistency of the development and further contribute to the effect of the development on the street scene.
10. The layout plans show hedgerow to be retained or new hedgerow to be planted on the frontage to Capel Street, with much of the footpath to the front of the site behind the hedge. This would not wholly obscure the development from views or separate it from surrounding development.
11. The access road would join Capel Street toward the centre of the site and would extend through the site, providing access to the parking areas off the road. The road would be laid out informally, but that would not overcome the consistency of the proposed layout of the surrounding houses.
12. For these reasons, I conclude that the layout of the proposed dwellings would harm the character and appearance of the street scene. As such, it would be contrary to Policy DM15 of the Dover District Local Development Framework Core Strategy (CS), Policy LA26 of the LALP and the National Planning Policy Framework (the Framework) that seek to protect the character and appearance of the settlement and promote or reinforce local distinctiveness.

### *Landscape and scenic beauty*

13. The rear boundary of the appeal site forms the boundary of the Kent Downs Area of Outstanding Natural Beauty (AONB). The Framework states that great weight should be given to conserving landscape and scenic beauty in the AONB. Although the site itself is outside the AONB, its proximity means that development of the site may affect the setting.

14. The rear boundary of the site comprises a thick tree and hedge boundary that significantly restricts views into the site from the AONB. The site rises away from the road and up to a ridge in the field to the rear. These factors restrict the visibility of the site in views from the AONB, particularly from Cauldham Lane and the public right of way along Green Lane. Space is shown within the layout to provide additional planting along the rear boundary as part of the development. The village of Capel-le-Ferne would be behind the proposed development in views from the AONB, such that existing development would provide a backdrop and context to the site in any limited views from the AONB.
15. For these reasons, I conclude that the proposed development would not harm the landscape and scenic beauty, or the setting, of the AONB. As such, in this regard it would not conflict with Policies DM15 and DM16 of the CS, Policy LA26 of the LALP or the Framework that seek to protect the character and appearance of the surrounding rural area and the landscape and scenic beauty of the Kent Downs AONB.

*Other matters*

16. The UU provides an obligation for the developer to provide a contribution of thirteen affordable dwellings that I understand complies with Policy DM5 of the CS that requires 30% of dwellings to be affordable. It also provides an obligation for financial contributions toward off-site public open space, library, education and healthcare provision, and the Thanet Coastal Management Strategy.
17. I understand that the financial contributions toward off-site public open space, library, education and healthcare provision meet the Council's requirements. They would make the development acceptable in planning terms, would be directly related to the development and would be fairly and reasonably related in scale and kind to the development. As such, they would comply with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). As such, I have taken them into account in coming to my decision.
18. The contributions toward the Thanet Coastal Management Strategy seek to provide mitigation to address the effects of the development on the Thanet Coast and Sandwich Bay Special Protection Area (SPA). I understand that the obligations are consistent with the Council's published guidelines for mitigating impacts on the SPA. I consider that they are also consistent with the CIL Regulations and have taken them into account accordingly.
19. Access to the proposed development would be from Capel Street, which is a narrow and busy road through the village. Kent County Council Highways have commented and suggest that the proposed access to the development would not harm highway safety. I see no reason to disagree with their findings and conclude that the access would be satisfactory.
20. The proposed dwellings would be separated from neighbouring dwellings such that they would not result in overlooking or overbearing effects and, consequently, would not cause harm to the living conditions of neighbouring occupiers. The proposal would provide a significant number of dwellings toward the Council's housing supply and future residents would support local services and facilities. The proposal would, therefore, have positive social and economic effects.

## **Conclusion**

21. I have found that the proposal would not result in harm to the landscape and scenic beauty or setting of the Kent Downs AONB or highway safety. I have taken into account the provision of affordable housing on site and financial contributions to local infrastructure and to mitigate the effects of the development on the SPA. However, the harmful environmental effect the works would have on the character and appearance of the street scene would outweigh the social and economic benefits of the proposed development. Given the identified conflict with development plan policies, I conclude that the proposal would be contrary to the development plan as a whole. As such, I conclude that the appeal should be dismissed.

*AJ Steen*

INSPECTOR