
Appeal Decision

Site visit made on 2 February 2015

by R W Allen B.Sc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 April 2015

Appeal Ref: APP/X2220/A/14/2219983

The Gunnery, Undercliffe Road, Ringwould With Kingsdown, Kingsdown, Kent CT14 8EU

- 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 Mr G Spencer against the decision of Dover District Council.
 - The application Ref DOV/13/00871, dated 16 October 2013, was refused by notice dated 28 March 2014.
 - The development proposed is for alterations and additions to The Gunnery including two storey and first floor extensions.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The surname of the appellant as set out in the application form is 'Spencer', whereas the appeal and a number of documents including an email address, is in the name of 'Spence'. I have used the name as it appears on the application form.
3. My attention has been drawn to an amended set of drawings which were submitted to the Council at application stage. Notwithstanding, I have determined the appeal on those drawings before me and on which the Council made its decision.

Main Issues

4. The main issues are:
 - Whether the building should be considered to be a non-designated heritage asset, and
 - The effect of the proposed development on the character and appearance of the building and the wider countryside.

Reasons

5. The appeal site is a single-storey dwelling house located at the edge of a cliff-top, close to residential village of Kingsdown. It is of a modest scale and height, which nestles discretely into its surroundings, such that the building is largely unnoticeable when viewed from the sea front, its setting forms a large part of its significance. Although it can be accessed from Undercliffe Road, its

principal access, which is pedestrian only, is taken via the adjacent chalet park. The property includes a substantial basement which can be accessed separately from the main dwelling. Its curtilage includes a small garden to the front overlooking the sea, and to the side which contains a number of protected trees. The property is currently vacant and in a state of disrepair, and appears to have been so for some time.

Whether a non-designated heritage asset

6. The building is not listed. Nonetheless both parties consider the building could be considered to be a non-designated heritage asset. The building dates from circa 1940 and was originally a coastal battery to improve sea defences during the Second World War. It was originally enclosed on three sides, with the front elevation open to allow cannon manoeuvring and firing. The building was decommissioned shortly after the end of hostilities, upon which it was incorporated within, and became ancillary to the adjacent chalet park until its conversion to a residential unit in the late-1980s. The conversion resulted in a colonnade style extension to enclose the building's frontage, and the creation of the access from Undercliffe Road located at the bottom of the cliff face, on which a lift shaft and subterranean tunnel were added.
7. The additions and alterations to the building have eroded some of its original character. However I do not share the appellant's view that the original building is unrecognisable from its previous use. Many original features of its wartime past, such as the presence of gun loops built into the side walls, cannon hooks, and original internal and external walls remain.
8. I therefore find its simple form; its discreet setting, and its military history and remnants do have local significance; and that the building should be considered a non-designated heritage asset for those reasons.

Character and appearance

9. Paragraph 135 of the National Planning Policy Framework (the Framework) says the effect of an application on the significance of a non-designated heritage asset should be taken into consideration. In weighing applications a balanced judgement will be required having regard to the scale of any harm.
10. The proposed development would add considerable bulk, mass and height to the building particularly when viewed from the sea front, eroding its simple and modest appearance. Its design, size and fenestration arrangement would not integrate well with the host building, and would result in an alien feature, in stark contrast with, and noticeably unsympathetic to the host building. The development would harm the character and appearance of the building, and the significant increase in scale would undermine its relationship with its countryside setting.
11. I have had regard to the building's vacancy and poor state of repair, and its refurbishment would accord with Paragraph 51 of the Framework in bringing back empty housing and buildings into residential use. This weighs in favour of the proposal. However I find the harm to the significance to the non-designated heritage asset, to which I attach considerable weight and importance, outweighs those benefits.
12. I therefore find the proposed development would have a detrimental effect on the character and appearance of the host building and its countryside setting

and would subsequently harm the significance of the non-designated heritage asset. The proposed development would not accord with Paragraph 135 of the Framework. It would also not accord with Policy DM1 of the Dover District Core Strategy 2010 (CS), which says development will be resisted outside of settlement boundaries, and with CS Policy DM15 which says the countryside will be protected from development which adversely affects its character and appearance.

Other Matters

13. A number of occupiers of the surrounding chalets are concerned about harm to living conditions that might be caused by the proposed development. A number of chalets are located within close proximity of the boundary wall with the appeal site. However, sufficient distance would exist so as not to cause harm to outlook or light loss to the occupiers of the chalet park. An absence of windows on the elevations projecting toward the chalet park would cause no harm to privacy, and the imposition of an appropriately worded planning condition would ensure this would remain so. The Council has not raised any of these matters as an issue, and on the evidence before me I have no reason to disagree.
14. The appeal property lies outside of the Area of Outstanding Natural Beauty and no evidence is before me as to the distance between it and the appeal site. In any event, I consider it unlikely the proposed development would undermine its special character. Again the Council has not raised this as an issue. No evidence is before me on matters relating to unstable land such that I have little regard to this in my decision.
15. I note the proposals would result in the removal of trees, which are protected by a Tree Preservation Order. However on the evidence before me, I concur with the Council's view that three of the trees are assessed as being of low to moderate in value, one is deemed unsafe, one is dead and the sixth is in conflict with the existing building. I therefore find that the loss of trees would not undermine the overall verdant nature of the appeal site or the wider area.
16. I have considered all other matters raised by third parties. However none persuade me the proposed development would cause harm other than on the matters I have found above.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

R Allen

INSPECTOR

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