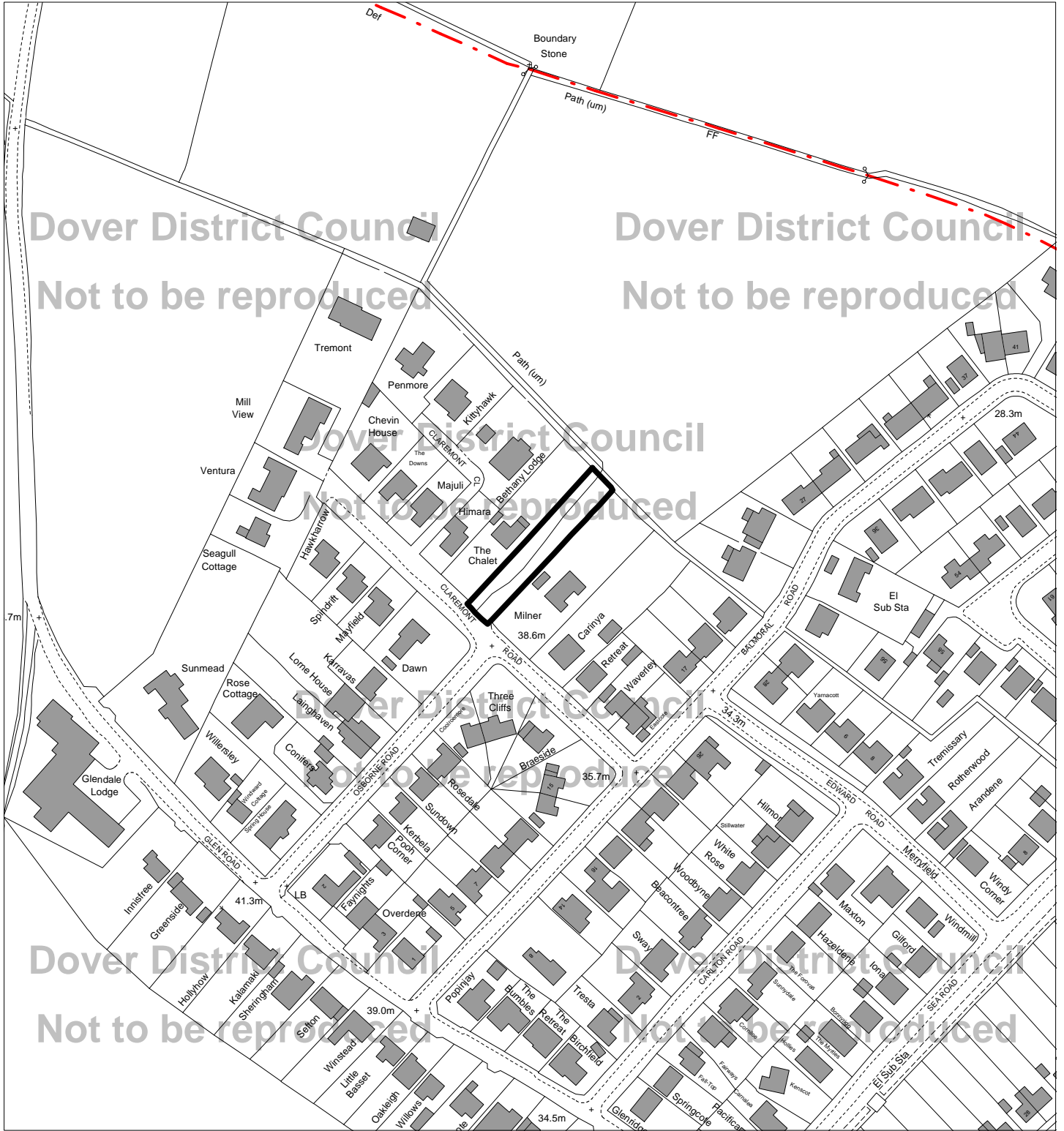


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**Application: DOV/15/00596**

**The Chalet & Milners Land Between,  
Clarendon Road  
Kingsdown  
CT14 8BU**

**TR37344875**



- a) **DOV/15/00596 – Outline application for the erection of a detached dwelling (all matters reserved) - Land between the Chalet and Milners, Claremont Road, Kingsdown**

Reason for report: The number of third party representations.

- b) **Summary of Recommendation**

Planning permission be Granted.

- c) **Planning Policy and Guidance**

#### Development Plan

The development plan for the purposes of s38 (6) of the Planning and Compulsory Purchase Act (2004) comprises the Dover District Council Core Strategy 2010, the Saved Policies from the Dover District Local Plan 2002, and the newly adopted Land Allocations Local Plan. Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise.

In addition to the policies of the development plan there are a number of other policies and standards which are material to the determination of planning applications including the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) together with other local guidance.

A summary of relevant planning policy is set out below:

#### Core Strategy (CS) Policies

- Policy CP1 (Settlement Hierarchy) identifies a hierarchy of centres within Dover District. Dover is placed atop the settlement hierarchy (Secondary Regional Centre) and St Margaret's is identified as a village where the tertiary focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to essentially it's home community.
- In order to help operate the settlement hierarchy through the development management process Policy DM1 (Settlement Boundaries) proposes settlement boundaries for planning purposes and sets out how these will be used to help judge the acceptability of individual development proposals. Development outside settlement confines will not be permitted, unless specifically justified by other development plan policies.
- Policy DM13 (Parking Provision) Determining parking solutions should be a design-led process based on the characteristics of the site, the locality, the nature of the proposed development and its design objectives.

Dover District Local Plan (DDLP) Saved policies – None Applicable

Land Allocations Local Plan (LALP) – None applicable

## National Planning Policy Framework (NPPF) & National Planning Policy Guidance (NPPG)

At a national level, the NPPF sets out the Government's planning policies for England and how these are expected to be applied. In the introduction, the Government sets out that the NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning applications. With its adoption in March 2012, it replaced all previous national planning policy statements with immediate effect. Therefore, it should have significant weight in the consideration of any planning application.

The NPPF articulates an overriding presumption in favor of sustainable development which should be seen as a 'golden thread' running through both plan-making and decision taking. There are three dimensions to sustainable development: economic, social and environmental. For decision making this means approving development that accords with the Development Plan without delay; and where the development plan is absent or silent or relevant policies are out-of-date granting planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the NPPF indicate development should be restricted (para 14).

### National Planning Policy Framework (NPPF)

#### Chapter 7 – Requiring good design (Paragraphs 56 -68)

- Seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. A core principle is to always seek to secure high quality design and a good standard of amenity.
- Decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.
- Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness.
- Chapter six of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years' worth of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- Paragraph 14 of the NPPF requires that where the development plan is absent, silent or relevant policies are out-of-date development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or, specific policies in the NPPF indicate that development should be restricted.

- Paragraph 49 of the NPPF states that “housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of housing sites.
- The NPPF has 12 core principles which, amongst other things, seeks to: proactively drive and support sustainable economic development; secure high quality design and a good standard of amenity for all existing and future residents; recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it; and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

#### National Planning Practice Guidance (NPPG)

- On 6<sup>th</sup> March 2014 the Department for Communities and Local Government launched a planning practice guidance web-based resource. This contains a number of sections to enable users of the planning system to obtain information in a useable and accessible way. It is a material consideration when making decisions.

#### Other Material Considerations

- Kent Design Guide – sets out examples of good design across a broad spectrum of development types and identifies a number of guiding principles.

#### d) **Relevant Planning History**

There is no relevant planning history on the site

#### e) **Consultee and Third Party Responses**

Ringwoud with Kingsdown Parish Council – Does not object in principle to outline planning for a dwelling on the plot. The application is for a two storey dwelling with four bedrooms, we consider that a too large development for this plot

KCC Footpaths – No comments to make

Ecology Officer - No historical information on the strip of lane. It may be suitable for reptiles and would recommend a habitat suitability assessment is carried out. Results of the ecology survey show that a condition is required for the safe capture and translocation of the slow worms to be an identified and enhanced receptor site which should then be monitored for three years. Best practice and in economic terms this would be best part of the applicant's site.

Public Representations: Nine letters of objection have been received and their comments are summarised as follows:

- Application has included an area of land which forms part of the un-adopted roadway
- Part of the land outlined does not belong to the applicant
- Application form pertains to a net gain of four dwellings
- Two storey property would cause overlooking and a loss of privacy
- Site location plan does not reflect the footprint of the neighbouring property
- If approved as applied for this will restrict vehicular access to other properties in the cul-de-sac as well as for emergency vehicles and waste and recycling vehicles
- A stage 1 walkover ecological survey should have been submitted as the site is not brownfield and has treed/vegetative boundaries
- Single storey building would be more appropriate for this plot
- Height should be restricted as plot is in-between two bungalows
- Two storey dwelling would be out of keeping

Two letters neither supporting nor objecting has been received and the comments are summarised as follows:

- Property should be in-keeping with the other properties on either side of the land i.e. should be single storey or chalet style bungalows
- Concerns regarding being overlooked and a potential loss of privacy
- Positioning and height of any building will be crucial to maintaining privacy

f) 1. **The Site and the Proposal**

1.1 The application site relates to a parcel of land, which is situated within the confines of Kingsdown and lies on Claremont Road. The site was previously used as an access to the field to the rear (north) of Claremont Road.

1.2 The site is rectangular in shape and measures approximately 65m by 10.5m and is currently overgrown with trees and hedging along the northwest and southeast side boundaries. There is a public footpath to the rear of the site.

1.3 The application seeks outline planning permission for the erection of a detached dwelling. While all matters are reserved and no indicative plans have been submitted, the application submission indicates that approval is being sought for a two storey, 4 bedroom dwelling.

1.4 *Plans will be on display*

2. **Main Issues**

2.1 The main issues for consideration are: Principle of the development; impact of the development on the street scene; impact of the development on the neighbouring properties; highways and ecology matters.

3 **Assessment**

**Principle of the development**

3.1 At present the land the subject of this application has no development on it. The last use of the site was as an access to the field to the rear. It is understood that this use has now ceased.

3.2 The site is located within the village confines and within an existing residential area where, in accordance with Policy DM1 of the Core Strategy, development will generally be considered acceptable subject to site specific considerations.

#### 4 Design and impact of the development on the street scene

4.1 The proposed dwelling would be located between 'The Chalet' and 'Milner', both of which are detached bungalows. The general pattern of development in the area is one of varying plot widths and depths. However, the predominant form of dwellings within the area is detached bungalows or chalet bungalows with some full two storey dwellings further to the northwest of the site.

4.2 The width of the application plot is approximately 10.5m with a depth of 65m. The property to the immediate southeast (Milner) has a width of approximately 20m with the site to the immediate northwest (The Chalet) having an approximate width of 14.5m.

4.3 Further to the northwest and southeast, there are a number of properties, which have plot sizes which range from 10.5m upwards. Therefore whilst the plot width is considered to be small relative to the immediate neighbouring plots of Milner and The Chalet, it would be fairly commensurate with other plots, which are within a reasonable distance. For this reason, it is not considered that the principle of a dwelling on the site would result in a form of development that would appear inconsistent with the spatial and visual character of the locality.

4.4 The application form indicates that a two storey four bedroom dwelling is being applied for. However, no details (indicative) relating to the appearance, height and scale of the dwelling have been provided. At this stage, your Officers are of the view that further details would be required in order to demonstrate that a dwelling of this scale/size could be accommodated which reflects the visual character of the area. Should this application be approved, any reserved matters application would need to provide a detailed design analysis, which indicates how the design and form of the dwelling has taken account of the immediate character of the local vernacular and how it would relate to the existing buildings.

4.5 Consideration would also need to be given to the potential for a two storey dwelling to 'fill the plot' given its fairly restricted nature and whether this would result in any unacceptable levels of harm to the character and appearance of the street scene. It is suggested that a street scene elevation be required by condition in any forthcoming reserved matters application, which would show the relationship of the new property with the existing dwellings surrounding the site.

4.6 However, for the purposes of this outline application, it is considered that a dwelling could be accommodated within the application site. It would be for the reserved matters stage however, (when full details

are provided) to determine whether anything more than a single storey unit, or perhaps a chalet styled dwelling, could be adequately accommodated.

## 5 Impact on neighbours

- 5.1 This is an outline application, with all matters reserved; further details in terms of design, layout, appearance and siting would be required.
- 5.2 Concerns have been raised in relation to the potential impact that a dwelling could have on neighbouring occupants in terms of overlooking and loss of privacy.
- 5.3 It is considered that a single storey building should safeguard the living conditions of neighbours. Ultimately however, detailed drawings would need to be submitted as part of the reserved matters application which showed that any proposal would not lead to unacceptable levels of overlooking and loss of privacy.
- 5.4 Any dwelling would need to be located within the site to ensure that there would be no overbearing, overshadowing or enclosing impact on the neighbouring properties specifically at The Chalet and Milner. Sufficient details would need to be submitted to demonstrate that any potential for this could be adequately mitigated.
- 5.5 In conclusion it is considered that a single storey dwelling should be capable of being sited so as to avoid unacceptable levels of harm to the residential amenity of the neighbouring occupants. Whether a dwelling with accommodation at first floor level could achieve the same would be subject to detailed consideration at the Reserved Matters stage.

## 6 Highways

- 6.1 In accordance with Policy DM13 the proposed dwelling would need to provide up to two independently accessible off-road parking spaces. These details would need to be submitted as part of any reserved matters application.

## 7 Ecology

- 7.1 As the land may be suitable for reptiles, an Herpetofauna Survey has been undertaken following the consultation with the Ecology Officer. The results of this survey show that a total of 82 slow-worms were observed during the 2015 survey period. The maximum number of adults which were recorded during a single survey was 21. The population size class within the survey has been classified as exceptional. It was recorded that a majority of the observations were recorded along the western boundary. It was further observed that immature and neonate slow-worms were observed, which indicates the presence of a breeding population. A condition has been suggested which will require that prior to the submission of a reserved matters application, a translocation strategy should be submitted, which would detail the methodology for safe capture and translocation

to an adequate receptor site together with a monitoring programme for three years for approval of the local planning authority.

8 Conclusion

8.1 The outline proposal for the erection of a detached dwelling is considered acceptable in principle. It meets the policy requirement for new dwellings to be located within the settlement confines and it is considered that subject to suitable details being submitted at the Reserved Matters stage, a dwelling should be capable of being accommodated within this plot, which would be acceptable in terms of its impact on the neighbouring properties as well as its impact on the character and appearance of the street scene and surrounding area. Without further details however, it is not possible to conclude that a four bedroom, two storey dwelling (referred to in the application form) would be acceptable.

8.2 In respect of the Public Sector Equality Duty under the Equality Act, the recommendation is not considered to disproportionately affect any particular group.

g) Recommendation

I OUTLINE PLANNING PERMISSION BE GRANTED subject to conditions to include:- i) Approval of Reserved Matters, ii) Time limit for submission of Reserved Matters, iii) Time limit for commencement of development following approval of Reserved Matters, iv) Approved plans, v) Highway conditions to include: provision and permanent retention of parking spaces prior to first occupation; provision and retention of cycle parking facilities prior to first occupation; provision and maintenance of visibility splays to be shown on submitted plans prior to first occupation; details for construction vehicle parking, vi) Sample of materials, vii) Soft and hard landscaping details, viii) Tree/shrub replacement, ix) Landscape management plan, x) Details of boundary treatments xi) Details of disposal of foul and surface water, xii) Existing and proposed sections through the site, to include details of existing and proposed ground levels and finished floor levels and thresholds, xiii) Translocation strategy for slow-worm, xiv) Street scene elevation showing proposed development, xv) For the avoidance of doubt, the permission hereby given relates to a single dwelling only and does not confer approval for a two storey four bedroom property referred to in the application submission, the acceptability of which or otherwise would need to be assessed as part of any Reserved Matters submission.

II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer  
Kerri Bland



