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Wingham

Not to scale

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Application: DOV/15/00946

Land R/O 19 St Marys Meadow

Wingham

TR24455735



- a) **DOV/15/00946 – Erection of a detached dwelling, garage and construction of vehicular access - Land Rear of 19 St Marys Meadow, Wingham**

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 S.38 (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 centers 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.
- Policy DM17 (Groundwater Source Protection) Prohibits certain uses and drainage systems in Zones 1 and 2 unless adequate safeguards against possible contamination are provided.

- Policy LA33 (Residential Development) Land allocated for residential development within Wingham, land north of College Way. Development should reflect the character and scale of adjacent development.

Dover District Local Plan (DDLDP) – 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 6th 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

DO/96/00152 – Outline application for a detached bungalow – Refused

DOV/05/00952 – Outline application for the erection of a single storey dwelling with access from College Way – Refused

DOV/07/01100 – Erection of a 2m high fence – Granted

DOV/07/01101 – Certificate of lawfulness (existing) for use of land a garden land – Refused

DOV/08/00524 – Certificate of lawfulness (existing) for use of land as garden land – Granted

DOV/13/00962 – Erection of a detached dwelling, garage and construction of vehicular access – Granted

e) **Consultee and Third Party Responses**

Wingham Parish Council – No objections to the application

Kent Fire and Rescue Service – No response received

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

- Change from a traditional finish to polar white render and large black roof tiles is not in keeping with other properties
- Property would stand out and would not be sympathetic to the character of the area or other properties
- Issues with main drainage and overflow, poor drainage
- Object to 1.8m high fence along the frontage as existing properties can only erect 6 inches of boundary treatment to preserve the open aspect of the street
- South Court Drive and College Way are subject to serious traffic congestion, therefore residents have problems with access and parking
- Applicant declared that they did not intend to build on the land, which has been stamped by a Commissioner of Oaths
- Issues with surface water
- No main sewer in College Way which could be used for surface water or sewerage disposal
- Could the velux rooflights which would face Harris's Alley be used in the future to create a loft conversion
- Potential for overlooking if a loft conversion takes place
- Velux windows should be relocated to the southeast roofslope
- Land levels result could result in overlooking could boundary treatments be increased in height
- Shadow study for ridge height of proposed dwelling and impact on neighbouring property in Harris's Alley

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

1.1 The site relates to a plot of land, which lies to the rear (south) of No. 19 St Marys Meadow and the north of No. 2 College Way. The land was formally part of No. 19 St Marys Meadow garden and has been severed from the garden area of this property.

1.2 The land is at a raised ground level in comparison to the dwellings in St Marys Meadow, which comprise of two-storey detached properties. College Way to the south comprises a cul-de-sac of bungalows and to the west of the site lies a row of two storey terraced properties.

1.3 The application site measures approximately 31m by 18m. The site has been largely cleared and works were started on site recently to construct the dwelling permitted under DOV/13/00962.

1.4 Planning permission DOV/13/00962 gave planning permission for a detached single storey bungalow – similar to that proposed here. The only differences between the approved scheme and this one are: changes to the design, include the use of a render finish as oppose to

brick and Marley eternit concrete tiles rather than slate for the dwelling and the detached garage as well as the insertion of two velux rooflights to the rear (west) elevation. Further alterations include the insertion of a flue pipe to the side (north) facing elevation and a storm porch over the east (front) elevation.

- 1.5 The ridge height of the new dwelling where it runs parallel to the dividing boundary with No. 14 Garden Cottages is around 5m high, and the roof slopes away from that boundary. There would be a 3m gap between the side wall of the new dwelling and the 2m high dividing boundary to the west.
- 1.6 Planning permission is sought for the erection of a detached dwelling, garage and creation of vehicular access which now incorporates the above elements. The proposed single storey dwelling would have three bedrooms with parking being provided within the site and a detached garage. The property would be an L shape and would measure 13.8m by 15.m at its greatest, with an eaves height of 2.4m and an overall height to the ridge of 5.8m. It is proposed to construct the dwelling to be finished in painted render with a Marley eternit 'modern' concrete roof tile and grey finished Upvc fenestration. The detached garage would measure 5.5m by 5.5m, with a ridge height of 4.7m.
- 1.7 The development proposed is effectively an 'amended' scheme to that approved already.
- 1.8 *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 neighbouring properties, highways and design and impact of the development on the street scene.

2.2 Assessment

Principle of the development

- 2.3 The site is located within the urban confines and is an allocated plot within the Dover District Local Land Allocations Plan which lies within an existing residential area. At present the land the subject of this application has no development on it and the use of the site is residential garden in connection with No. 19 St Marys Meadow. The site therefore is not considered to be previously developed land.
- 2.4 The site is however located within the urban confines where development is generally considered to be acceptable and therefore the use of the land for the residential development would be in accordance with Policy DM1 of the Core Strategy. Further an application for the erection of a detached dwelling was granted in 2013 (DOV/13/00962) under delegated powers. Works on site in regard to this permission have commenced on site however the applicants have been advised that this work should cease as all conditions under DOV/13/00962 had not been complied with. Work

has since stopped on site, awaiting the outcome of this application. The existence of this extant permission can be considered to be a fall-back position to which considerable weight can be given as a material consideration.

2.5 In conclusion it is considered that the principle of a dwelling in this plot is acceptable.

3. Impact on neighbours

3.1 There would be a separation distance of 5m between the proposed building and the neighbouring property to the south at No. 2 College Way and 5m between the proposed building and the neighbouring property to the southeast west Garden Cottages. To the north No. 19 St Marys Meadow would be 6m at its closest and 12m at its greatest.

3.2 Concerns have been raised in relation to the potential for overlooking into the neighbouring property to the west (Garden Cottages) from the proposed velux windows. The terrace of properties known as Garden Cottages are two storey dwellings. Following these concerns the agent has submitted plans which show the velux rooflights 3m above finished floor level. As a result of the siting of these windows at a sufficient height above finished floor level, it is considered that the insertion of the windows would not result in any over/interlooking towards the neighbouring property at Garden Cottages. A condition can be placed on any approval which ensures that the windows are placed a sufficient height above finished floor level to prevent any over/interlooking. It is considered unlikely that the proposed dwelling would result in any loss of outlook. Due to the orientation of the properties, there may be some limited shadow cast towards Garden Cottages in the morning, however as the property is single storey any shadow cast would be minimal and as such is not considered to be unacceptable. Furthermore, as a result of the separation distance the proposed dwelling would not result in any loss of sun/daylight nor would it result in any over/interlooking due to the design with no fenestration to the rear.

3.3 The proposed location of the dwelling is comparative to the extant permission.

3.4 The neighbouring property to the south, No. 2 College Way is a single storey bungalow. The property is set off of the boundary to the application site by approximately 5m. Due to the orientation and positioning of the proposed property to the north of No. 2, it is considered that there would be no loss of sun/daylight nor would there be any overbearing/enclosing impacts as a result of the proposal. The plans show two windows in the side facing elevation towards No. 2. These windows would serve a bathroom and bedroom 3. Due to the difference in land levels between College Road and the application site, the windows would be obscured by a 1.8m high close-boarded fence along the dividing boundary, thereby restricting any potential for over/interlooking.

3.5 The property to the north, No. 19 St Marys Meadow is set at a lower ground level than the application site. The application site is part of the

existing garden of No. 19. There is an existing 1.5m high hedge along the dividing boundary between the application site and No. 19. This hedge would be retained and a new close-boarded fence would be erected inside the boundary with No. 19.

3.6 Due to the design, siting and scale of the buildings effects from massing and scale are unlikely to cause significant harm to adjoining occupants.

3.7 Full consideration of the impacts on neighbouring properties were made under reference DOV/13/00962. The proposal now under consideration involves only minor alterations and changes to the dwelling proposed (as set out at para. 1.4) and as such it is considered unlikely that the amendments proposed would result in any harm to the amenities of the neighbouring occupants.

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

4.1 The proposed dwelling has been designed as a bungalow with a detached garage. The property being proposed here is largely of the similar style and design as the dwellings in College Way. Some of the properties in College Way and Harris's Alley have been rendered and painted and some have velux rooflights in the roofslopes.

4.2 The dwelling would be finished in painted render with a concrete roof tile. The application form states that the colour finish for the render is 'Polar White.' Concerns have been raised over this colour finish, however having raised these concerns with the agent he has confirmed that the colour is not a strident and stark finish but is in fact more muted with a cream tone. The neighbouring property No. 2 has recently been renovated and is now finished in a cream painted render. Furthermore, a number of the properties known as Garden Cottages to the west in Harris's Alley are finished with painted render. The roof tile would be a modern Anthracite finished concrete tile. Whilst a number of the properties in the area have a clay tile finish, those at Garden Cottages have a slate roof and as such it is not considered that the use of the concrete tile in this location would detract from the character and appearance of the street scene or wider area.

4.3 Overall, it is considered that the design, scale, massing and finish proposed would relate to the existing properties on College Way and as such is acceptable in terms of impact on the street scene.

5. Highways

5.1 The proposed dwelling would be have a parking and turning area to the front as well as double garage. Policy DM13 requires the provision of two spaces per unit. It is therefore considered that the proposal complies with parking requirements and is acceptable in parking terms.

6. Other matters

- 6.1 It should be noted that concerns were previously raised over the potential existence of a public of way through the site. The Public Rights of Way Officer was consulted on the previous application and advised that there may have been a private access, rather than a right of way. There are no public rights of way, which run through the site which are recorded on any maps.
- 6.2 Further concerns have been raised over restrictions in deeds and a declaration made by the applicant that it was not intended to build on the land. Whilst these concerns are noted deed restrictions are not a planning consideration and in this instance the principle of a dwelling on the plot has already been established given the 2013 permission. Therefore it is not considered that these issues would justify a recommendation of refusal.

Conclusion

- 6.3 The site is within the confines and the development proposed is acceptable in principle. The design of the building is not altered significantly from the 2013 permission and adequate parking is proposed to serve the dwelling. Landscaping and boundary treatment, amongst other things can be achieved by relevant conditions.
- 6.4 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) PERMISSION BE GRANTED subject to conditions to include: i) Timescale for commencement of development, ii) A list of the approved plans, iii) Landscaping scheme shall be provided prior to first occupation and thereafter maintained, iv) No further windows in the rear (west facing) roofslope, v) Construction management plan, vi) Measures to prevent discharge of surface water onto highway, vii) Samples of materials, viii) Space to be laid out for parking of cars prior to first occupation, ix) Driveway to be constructed of a bound material x) Provision and maintenance of sightlines, xi) Obscure glazing to bathroom window, xii) Velux rooflights to be set at a minimum of 1.8m above finished floor level, xiii) Existing and proposed finished ground levels, xiv) Soft and hard landscaping details, xv) No further windows shall be inserted in the roofslopes
- 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