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Application: DOV/15/00198

Land to the rear of 20

Archers Court Road

Whitfield

CT16 3HP

TR30374480



- a) **DOV/15/00198 – Erection of detached dwelling and demolition of existing garage – Land to the rear of 20 Archers Court Road, Whitfield**

Reason for report – the number of third party contrary representations and a Member request.

- b) **Summary of Recommendation**

Grant permission.

- c) **Planning Policy and Guidance**

Development Plan

The development plan for the purposes of section 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 Land Allocations Local Plan (2015). 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:

Dover District Core Strategy (2010)

CP1 – Settlement hierarchy.
CP11 – The managed expansion of Whitfield.
DM1 – Settlement boundaries.
DM13 – Parking provision.

Saved Dover District Local Plan (2002) policies

None applicable.

Dover District Land Allocations Local Plan (2015)

None applicable.

National Planning Policy Framework (NPPF)(2012)

“17. Core planning principles... planning should...

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives...
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings...”

“49. Housing applications should be considered in the context of the presumption in favour 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 deliverable housing sites.”

“56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people...”

Definition of... “Previously developed land... This excludes... land in built-up areas such as private residential gardens...”

Other Considerations

Tree protection order, 8 of 1981.

Kent Design Guide

- Page 59 – Designing in context.
- Page 66 – Designing streets and spaces.
- Page 92 – Privacy.

d) **Relevant Planning History**

DOV/14/00675 – Erection of a first floor extension, additional and new windows and alterations to front elevation, including insertion of first floor windows – **GRANTED**.

e) **Consultee and Third Party Responses**

Whitfield Parish Council

- Very large and out of character.
- Over-intensive backland development.
- Road is congested, will add to existing traffic problems.
- Queries what will happen regarding trees.

Public representations

Objections – 10.

- Overlooking.
- Traffic impact.
- Not required in light of proposed expansion to Whitfield.
- Concern about precedent.
- Overdevelopment.
- Proposes site visit is required.
- Concern regarding tree roots in relation to proposed garages.
- Objects to garden development.

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

1.1. The site

The site comprises the residential dwelling, 20 Archers Court Road, and its garden land. The site is located in Whitfield, which is within the Dover urban settlement boundary. The site is orientated on a north

west/south east axis.

- 1.2. The existing building, 20 Archers Court Road, is a two storey dwelling. Attached to the dwelling on its north east elevation is a garage. The north east garage wall is located adjacent to the north east site boundary. Vehicular access to the site is taken in front of the garage.
- 1.3. The front garden at 20 Archers Court is used as a parking area. There is pedestrian access alongside the south west elevation of the dwelling to the rear garden.
- 1.4. The rear garden is substantial, measuring 64 metres from the south east (rear) elevation of number 20 to the rear boundary of the site and 17.5 to 18.5 metres in width. It is primarily laid to lawn. Its north eastern boundary is formed of a combination of mature trees and some hedgerow. At the rear (south east) boundary there are more mature trees some of which are up to 20 metres tall.
- 1.5. Neighbouring the site are residential dwellings. North east of the site is 22 Archers Court Road, which is situated adjacent to the existing garage at number 20. The dwelling has an individual design, which incorporates its living area on the first floor at the rear.
- 1.6. South west of the site are two residential dwellings, 18 and 18c Archers Court Road. 18 Archers Court Road is a replacement dwelling, which was constructed adjacent to the north east boundary of its plot and subsequently in closer proximity to number 20. 18c is part of a development that occurred under DOV/08/00421, DOV/10/00174 and DOV/12/00537, where the former garden land to the original number 18 was developed for three dwellings 18a, 18b and 18c.
- 1.7. Dimensions of the site are:
 - Depth – 88.5 metres.
 - Width – 17.5 metres (front), 18.5 metres (rear).
- 1.8. Proposed development
The proposed development comprises a two storey, chalet styled dwelling in the rear garden of number 20 Archers Court Road. The dwelling would provide for four bedrooms.
- 1.9. Access to the dwelling would be achieved by demolishing the garage at the side of number 20 and creating an access road between number 20 and number 22. This road would lead to four parking spaces located 6 metres from the south western boundary, two serving the existing dwelling (number 20) and two serving the proposed dwelling.
- 1.10. The proposed dwelling would incorporate two ground floor bay windows to its front (north west) elevation, with a portico entrance in between. At first floor there would be two roof lights either side of a recessed full height window. The roof lights are proposed at a cill height of 1.7 metres.
- 1.11. No windows are proposed at first floor on the south western elevation.

- 1.12. A single roof light is proposed in the north east roof pitch. It would be set at a cill height of 1.7 metres.
- 1.13. In the rear (south east) elevation three dormer windows are proposed at first floor.
- 1.14. Dimensions of the proposed development are:
 - Number 20 plot depth – 48.5 metres.
 - New dwelling plot depth – 40 metres.
 - Dwelling depth – 11.3 metres (including bay windows).
 - Dwelling width – 11.9 metres.
 - Dwelling eaves height – 3.4 metres.
 - Dwelling ridge height – 7.2 metres.
- 1.15. The new access would have a 2m x 2m pedestrian visibility splay and an increased width of 4.2 metres for the first 6 metres to allow for vehicles turning in. Beyond the first 6 metres the drive width would be 3.2 metres.
- 1.16. The originally submitted plans proposed two double garages but these have been deleted from the proposal and are no longer being considered.
- 1.17. Plans will be on display.

2. Main Issues

- 2.1. The main issues to consider are:
 - Principle of development.
 - Residential amenity.
 - Design and street scene.
 - Highways and traffic impact.
 - Tree matters.

3. Assessment

3.1. Principle of development

The proposed development is located within Whitfield and by extension, it is within the Dover urban settlement boundary. In principle the development is considered acceptable, subject to its details.

3.2. Residential amenity

The proposed development potentially affects four existing dwellings – 18, 18c, 20 and 22 Archers Court Road.

- 3.3. **18 Archers Court Road.** Number 18 is a two storey dwelling fronting on to Archers Court Road. Its plot is 48.5 metres long. The revised plot for 20 Archers Court Road is the same length.

- 3.4. It is not considered that the amenity of number 18 would be adversely affected beyond what is already experienced. The layout of the proposed development is such that the rear amenity space of number 18 will still neighbour a garden. The residents at number 18 were concerned about the effect of two originally proposed garages

affecting the root system of a sycamore tree at the rear of their garden. The applicant has agreed to delete the garages from the proposal to address this issue.

- 3.5. The residents at number 18 are concerned about overlooking into their rear garden, however, the amended scheme, which shows roof lights to the front elevation and a recessed window, is considered to address these concerns. The cill height of the proposed roof lights would be set at 1.7 metres above the internal floor level so any person inside the dwelling would not be able to see the rear garden of number 18.
- 3.6. The window to the front of the dwelling is recessed thereby restricting oblique views.
- 3.7. The back to back distance with number 18 is approximately 38 metres from the first floor windows.
- 3.8. **18c Archers Court Road.** The proposed dwelling is located 6 metres north east of 18c Archers Court Road and 3 metres from the dividing boundary, in the rear of the site. 18c is a chalet style dwelling 7.2 metres tall at the ridge.
- 3.9. No windows are proposed in the south west (facing 18c) elevation. Additionally a 2 metre tall close board fence is proposed along this boundary.
- 3.10. **22 Archers Court Road.** The existing residents at number 22 have raised concerns about overlooking. There is also a consideration of the access, which is proposed to be made where the existing garage to number 20 stands.
- 3.11. The applicant originally submitted plans for a two storey dwelling with front (north west) facing first floor windows. Following the concerns raised about overlooking and interlooking, the applicant has redesigned this aspect of the proposal so that the first floor rooms are located in the roof space. The master bedroom and bathroom at the front of the dwelling each have a roof light. In addition, the master bedroom also benefits from a casement window recessed into the roof. It is considered that these aspects of the design overcome the concern raised by number 22. In any case the rear elevation of number 22 is separated by the front facing elevation of the proposed dwelling by approximately 39 metres.
- 3.12. There is a roof light in the north eastern facing roof pitch, which faces towards the garden of number 22, but this is set at a height of 1.7 metres above finished floor level, so views into the garden would not be readily available.
- 3.13. **20 Archers Court Road.** The rear boundary of number 20 is approximately 14 metres from the recessed window proposed at the new dwelling. The back to back distance between the recessed window and number 20 is 38 metres. It is considered that at 14 metres there may be some potential for overlooking afforded, however, this is balanced to a degree by the recessed nature of the window and the location of rear boundary at a slight angle. The rear boundary was originally proposed at a distance of 21 metres due to the proposed

location of garages, however, in consideration of the root system to the sycamore tree in number 18 this aspect of the scheme was deleted.

- 3.14. **Access drive between number 20 and number 22.** The access to the proposed dwelling would be taken between number 20 and number 22. At the garage, the dwellings are separated by approximately 5.5 metres. The drive would be set approximately 1 metre from the side elevations of each dwelling.
- 3.15. The ground floor at number 22 is occupied by a garage with a bedroom above it. At ground floor level this is not considered to cause an issue because the garage is a non-habitable room. At first floor level it is considered that the combination of height, the width of the external wall and the small separation between the proposed drive and the side elevation of number 22 would relieve any detrimental impacts.
- 3.16. At number 20, a dining room neighbours the proposed access. This is a habitable room. There may be some impact of movements to and from the rear of the dwelling, but given that it is the addition of one dwelling only, the movements should be sufficiently limited as to not cause undue harm to the amenity of the occupants.
- 3.17. Design and street scene
The design of the dwelling is considered to be of a good standard. The proportions of the windows and openings are well related. The design is simple and effective and incorporates the necessary elements to ensure that the privacy of neighbouring occupiers is maintained.
- 3.18. The bay windows at the front of the dwelling give it a balanced appearance and the portico entrance is a suitable feature.
- 3.19. The applicant was asked to explore lowering the eaves height to begin immediately above the ground floor windows, but this could not be accommodated due to internal head room requirements. In any case, this design is considered to work and reflects the considerations that have gone into it. The scale/height of the building would be in keeping with the neighbouring units (18c and 18b) built subsequent to a 2010 and 2012 approval.
- 3.20. The view from the street scene is likely to be fleeting due to the location of the proposal at the rear of the existing dwelling, however, when views are achieved, it is considered that the scale and form of the proposal would not cause harm, particularly when viewed in the context of the rear of the site and the trees beyond.
- 3.21. The design and impact on the street scene is therefore considered acceptable.
- 3.22. Highways and traffic impact
The proposed development is for one dwelling accessed via an existing access onto a classified road. The size of the scheme means that it falls outside of the Kent Highways consultation protocol. Informal discussion with the highways officer confirms that the access proposals, including a 4.2 metre width at the point of access and 2

metre x 2 metre pedestrian visibility splays, are considered acceptable.

- 3.23. The proposed dwelling has four bedrooms, which means that in a suburban location the recommendation is for two independently accessible spaces. This is achieved by the design and is therefore considered acceptable. Two independently accessible replacement spaces are also proposed for number 20.
- 3.24. Tree matters
The TPO grouping (8 of 1981) at the rear (south east) of the site is not proposed to be a part of the development, with the land at that point remaining in its current form as garden land. The tree officer has advised informally that should permission be granted, the protection of the TPO grouping should be conditioned throughout the period of construction.
- 3.25. Conclusion
On balance, this proposal is considered acceptable. The proposed dwelling has been designed to a good standard, which is considered a minimum requirement if proposing to develop on garden land in a residential setting.
- 3.26. Concerns regarding overlooking and interlooking are considered to have been addressed by the amended proposal.
- 3.27. The increased use of the existing access that is proposed, and its impact on traffic on Archers Court Road, is considered acceptable because the situation could occur without planning permission being required.
- 3.28. The impact of the proposed access on the residential amenity of number 22 has been considered but its internal layout combined with a 5.5 metre width at this point is considered sufficient to accommodate vehicle movements without undue harm to the existing occupiers.
- 3.29. Having considered the issues, the recommendation on balance is to grant permission. All views have been taken into account in making this recommendation.

g) **Recommendation**

- I. Planning permission be GRANTED, subject to conditions including: (1) Plans (2) Time limit (3) Materials (4) Boundary treatment, means of enclosure, gates (5) Hard and soft landscaping (6) Access gradient (7) No surface water discharge (8) Access material bound for first 5 metres (9) PD restrictions – no extensions, no alterations to roof, no alterations to first floor windows, garages (10) Construction management plan (12) Protection of TPO trees throughout construction (13) Obscure glazing.
- II. That 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

Darren Bridgett