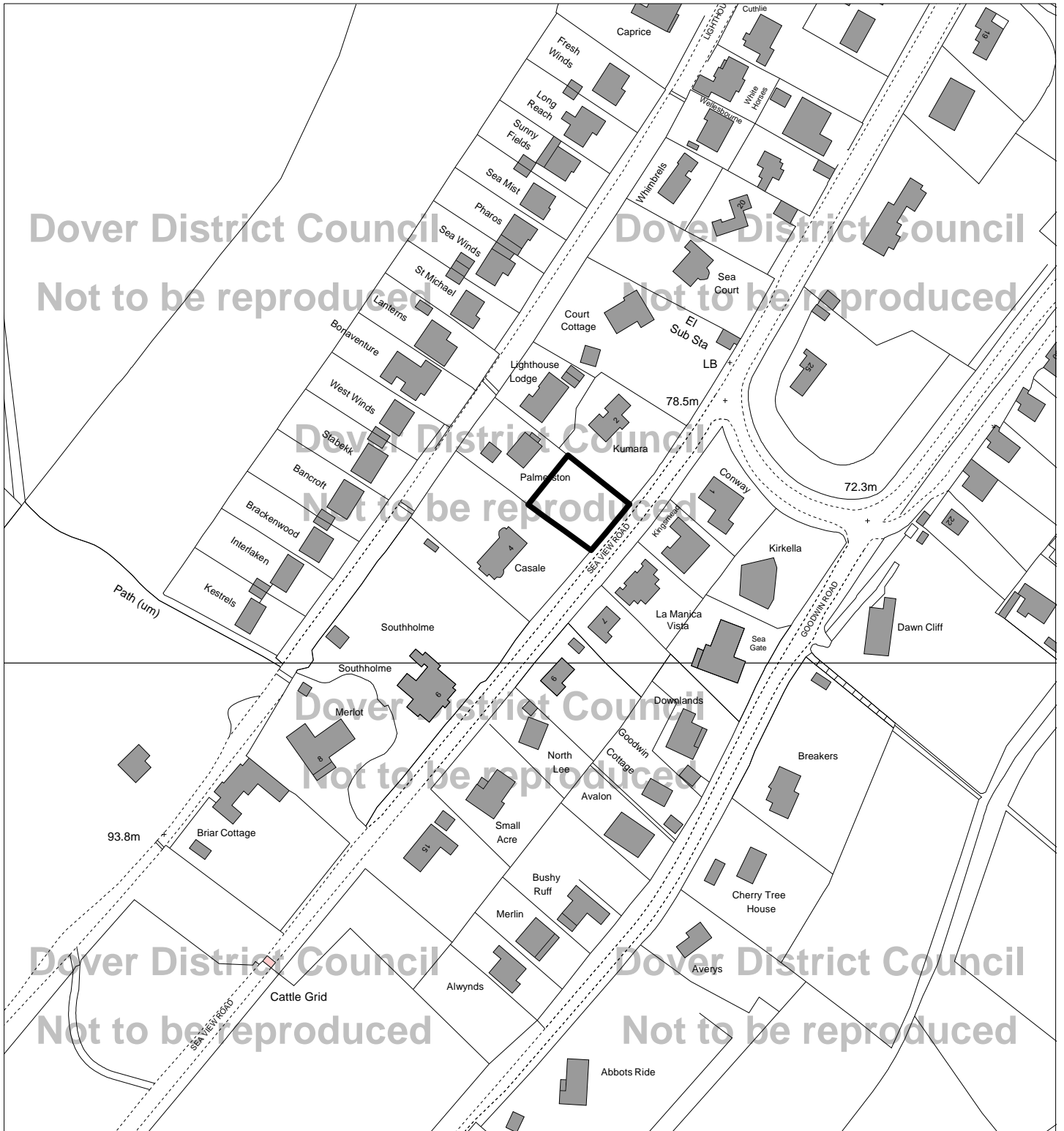


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Application: DOV/15/00533

Land Fronting Sea View Road & rear of Palmerston

Lighthouse Road

St Margarets Bay

CT15 6EL

TR36204405



- a) **DOV/15/00533 – Variation of condition 2 of planning permission DOV/14/00021 to allow amendments to approved drawings (application under section 73) - Land fronting Sea View Road and rear of Palmerston, Lighthouse Road, St Margaret’s Bay**

Reason for report – this application was originally reported to Planning Committee because of the number of third party representations contrary to the recommendation. At the meeting on 21 January 2016, it was resolved that the application be deferred for a site visit to be held on Tuesday, 23 February 2016 in order to assist Members in assessing the impact of the proposed variations to condition 2 (including on overlooking, overshadowing, the street scene and form and design), and whether the variations are likely to create any benefits or disadvantages.

- 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)

None applicable to proposed variation.

Saved Dover District Local Plan (2002) policies

None applicable to proposed variation.

Dover District Land Allocations Local Plan (2015)

None applicable to proposed variation.

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...”

“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...”

Other Considerations

None.

d) Relevant Planning History

DOV/14/00021 – Erection of a detached dwelling and construction of a vehicular access – REFUSED, APPEAL ALLOWED.

AMD/14/00021/A – Non-material amendment to DOV/14/00021 – alterations to windows, internal alterations and extension of basement – REFUSED.

A tree application was also submitted:

DOV/14/00423 – To tree T7 remove 1 large limb, ivy on main stem and large diameter dead wood, to tree T10 remove dead ivy and dead branch stubs to height of 8 metres – GRANTED.

e) Consultee and Third Party Responses

St Margaret's Parish Council

The Parish Council objects on grounds of the increased height of the property, creating overlooking of neighbours and giving an inappropriate appearance in this area.

Public representations

The application was advertised twice. The resulting comments received across the two consultations, not double counting where consultees have submitted more than one comment, were 25x objections and 1x support.

Reasons for Objections:

- Obtrusive development.
- Dominating and overbearing.
- Out of proportion to surrounding dwellings, no heed for nature and character of the area.
- Unattractive form and design, unsightly and jumbled appearance.
- Overlooking into bedroom windows at Kumara.
- Overlooking into Kingsmead.
- Overlooking into La Manica Vista including bathroom and rear garden.
- Overlooking front of Casale.
- Will allow access onto the roof, with further overlooking.
- Previous agreement not to include the sea view room and terrace.
- Flue dimensions and location.
- 3 storey house blends in but 4 storey house does not.

Reasons for Support:

- Amendments to design with reduced amount of glazing addresses privacy concerns.
- Set back from front of roof so obscures view from dwellings opposite.

- South facing windows taking advantage of the view is a common feature in St Margaret's Bay.

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

The site

1.1. The site is located within the settlement confines of St Margaret's Bay, in a residential area which has a strong rural character. The site, which was part of the garden of Palmerston (on Lighthouse Road), fronts on to Sea View Road. It is in close proximity to a designated conservation area. The land rises primarily in a west/south west direction.

1.2. On 3 April 2014, the council refused permission for a detached dwelling and construction of a vehicular access at this site.

1.3. The reasons for the council refusing permission were:

"1. The development, if permitted, by reason of the restricted size of the plot and the siting, height, and scale of the dwelling would result in an intrusive, cramped and constrained form of development, which would not relate well to the spatial character of the area and surrounding properties and would detract from the open characteristics and leafy spacious appearance of the street scene. The proposal would therefore be contrary to the National Planning Policy Framework and Kent Design Guide."

"2. The proposed development, by virtue of its design, siting, scale and height would result in an overbearing form of development which would give rise to the opportunity for overlooking and interlooking between dwellings, resulting in a loss of privacy and lead to a perception of overlooking to the occupants of both Kingsmead and La Manica Vista. The proposal would have a seriously detrimental impact on the residential amenity of these properties, contrary to the National Planning Policy Framework."

1.4. **Appeal.** A subsequent planning appeal was allowed and permission was granted on 9 January 2015. The construction of that dwelling is now substantially advanced, with three storeys (including a basement) and the roof having been erected to date.

1.5. The Inspector's decision is included at Appendix 1 to this report. Some of the points raised by the Inspector are :

Character and appearance

1.6. "Para. 9. Casale and Kumara are large houses and the proposal would be similar in size and scale to these properties. Although closer to the road than these two properties, the dwelling would still be set back sufficiently within the site so as not to be overly dominant or overbearing against the chalet bungalow and bungalow on the opposite side of the road. I therefore do not agree with the Council that the proposed dwelling would appear intrusive within the streetscene."

1.7. "Para. 11. ... I accept that there are not many examples of contemporary dwellings or extensions and alterations to existing

properties, nevertheless there are some present and the variety of designs is very extensive. I therefore consider that a contemporary dwelling in this location would not be at odds with the wider character of the area.”

Living conditions

- 1.8. “Para. 14. In respect of the effect of the proposed development on the occupiers of La Manica Vista, there would be a bedroom and other windows on the first floor that would face towards the front rooms and the front garden of that property. However, there would be a distance of over 20 metres to the front elevation of La Manica Vista...”
- 1.9. “Para. 15. With regard to Kingsmead, the balconies and windows of the lounge and a bedroom of the proposed dwelling which would face towards this property, including the front garden. However, the window of the room on the north corner of the front elevation of Kingsmead would be seen at a slightly oblique angle from the appeal property. This is due to the relative position of the appeal site with Kingsmead. This would also be at a distance well in excess of 20 metres.”
- 1.10. “Para. 16. Whilst I accept that there would be views from the appeal site towards La Manica Vista and Kingsmead where there currently are none, I consider that the relationship between these houses and the proposed dwelling would be sufficient to ensure that acceptable levels of privacy would be maintained for the occupiers of those properties.”
- 1.11. **Dwelling.** The dwelling is detached and built over three storeys. The land has been excavated in part by around two metres to accommodate the dwelling and its basement. It has a footprint of approximately 17.5 metres by just under 15 metres.
- 1.12. The dwelling is positioned towards the rear (north west) of the site, being set in 2.4 metres from the dividing boundary with Palmerston. Parking for two vehicles is provided on a drive area in front of the building. The drive is around eight metres in length.

Proposed development

- 1.13. The dwelling house was permitted through the planning appeal process, whereas this application is submitted pursuant to the approved scheme (submission under Section 73 of the Town and Country Planning Act) and seeks essentially to change the details granted planning permission, by the Inspector under condition 2 of his original decision
- 1.14. The proposed amendments include :
- A roof extension above the existing permitted roof level.
 - Combination of glazing heights on south east elevation, one high level pane above wall interrupting views to the south, three full height panes next to this (north east pane fixed shut, two remaining panes ‘slide aside’ opening). Restraining balustrade to restrict access to roof.
 - South west elevation – high level windows above wall.
 - Excavation of a larger basement area (already undertaken)
 - North west elevation – window changed to a full height window.
 - South east elevation – bi-fold doors to games room added.

- Patio added in front of games room (in front of south eastern elevation).
- Addition of high level obscure window to north east elevation.
- Bedroom 2, small window facing Kumara moved to front (south east) facing return wall.

and some other internal alterations.

1.15. Dimensions of the roof extension (sea view lounge):

- Height – 2.4 metres.
- Width – 5.3 metres.
- Depth – 5.5 metres.
- Distance set back from face of front facing south eastern elevation – 5.2 metres.

1.16. *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.
- Other matters.

3. Assessment

Principle of development

3.1. The principle of a dwelling house on this site has been established by the Inspector through the planning appeal process. The proposals seek to alter some elements of the approved scheme. The dwelling house is within the confines and as such, and subject to other considerations, set out below the proposed changes are considered acceptable in principle.

Residential amenity

3.2. In considering the potential impact of the development proposals, it is necessary to bear in mind what has already been permitted, the amendments that are proposed and if there is any resultant harm caused by those changes.

3.3. **Overlooking.** The proposed roof extension incorporates full height glazing to the south east elevation. Of the three full height panes, the north eastern most pane would be fixed shut. The two remaining panes would form a 'slide aside' opening. The applicant has agreed to the provision of a restraining balustrade across the full height windows to prevent access to the roof, and has agreed to a condition which would achieve this.

3.4. South east of the site are Kingsmead and La Manica Vista. The south east, sea-facing, elevation of the sea view lounge also faces towards Kingsmead and La Manica Vista.

3.5. Neighbours' concerns are that the height of the proposed sea view lounge will exacerbate any overlooking opportunities.

- 3.6. It is not considered that the proposed sea view room exacerbates what has already been permitted at appeal. Standing at the front extent of the proposed sea view lounge, the south east projecting roof restricts views towards Kingsmead, giving views of its roof and the landscape/seascape beyond.
- 3.7. The front of La Manica Vista, next to Kingsmead, can be seen from this location. The proposal has been amended so that part of its south east facing elevation is screened, which restricts views towards La Manica Vista. Two protected trees, referred to as T7 and T10, remain on the south east site boundary with the public highway and these assist in interrupting views towards neighbours opposite. A high level window would remain on the south east elevation facing La Manica Vista to allow for natural illumination of the room. These screening features including the set back of the sea view lounge from the front of the building, the protected trees and the distance between the sea view lounge and those properties opposite would prevent undue harm through overlooking/interlooking opportunities. Accordingly it is not considered that an exacerbated loss of privacy would result.
- 3.8. The application has been amended to incorporate only high level windows on the south west facing elevation. It is considered therefore that the residents at Casale (to the south west) would not have their privacy adversely affected by this proposal.
- 3.9. North east of the site is Kumara. The permitted window in bedroom 2 which overlooks Kumara is proposed to be relocated to the south east facing return wall and therefore would no longer be overlooking Kumara. A high level window is now proposed in the ensuite to bedroom 1, facing Kumara, but this would be obscure glazed. Compared to what was permitted i.e. the original window in bedroom 2, viewing opportunities towards Kumara are therefore considered to have been reduced. This is a benefit
- 3.10. North west of the site is Palmerston. The proposed amendments would see the size of the window in the study room increased, but this would be at a ground floor level when viewed from Palmerston. Boundary treatment proposed to the north western boundary and land levels would prevent any overlooking/interlooking opportunities from the new dwelling into Palmerston.
- 3.11. **Overbearing.** The sea view lounge is located some 3.9m away from the boundary with Kumara. The height at the top of the sea view lounge would be 7.6 metres above ground level. The roof extension would only be some 1.2 metres above the ridge height of this neighbour. However, the size and scale of the development and its siting is not considered excessively dominant to this neighbour particularly in view of the distance between the roof extension and the side extension to Kumara – which is some 15.4 metres away from it.
- 3.12. Palmerston is located north west of the dwelling at a proximity of 12.4 metres. Due to the scale of the roof extension, its siting and design it is unlikely that any undue impact would result.
- 3.13. **Overshadowing.** The dwelling at Kumara, excluding the

conservatory, is located at a distance of 15.4 metres from the roof extension. The existing residents have raised overshadowing as a concern. They state that the dwelling as currently constructed overshadows the amenity areas of their side garden, particularly at midday. Their concern is that this will be exacerbated by the addition of the sea view lounge.

- 3.14. The extension would be some 3.9 metres away from the dividing boundary to the north east (and 15.4 metres from the side wall of the extension). In terms of scale and size it is fairly minor compared to the scale of the approved dwelling house. If there is any shadow cast it would be largely towards the side elevation/side garden of Kumara during part of the day. Any adverse impacts through overshadowing are of a concern, but on balance it is considered that overshadowing impacts would be limited and not unduly harmful to the occupants of Kumara.

Design and street scene

- 3.15. Some public comments refer back to the design of the house in general and how that affects the street scene. However, this design was approved at appeal. Accordingly, consideration is about the appropriateness of design only of the proposed sea view lounge and how that relates to the design and appearance of the dwelling as a whole and the resultant effects on the street scene.
- 3.16. The originally submitted proposal incorporated a pitched roof sloping in a north east direction towards Kumara. Seen from the front (south east) and side (north east) elevations, this design was not considered to be a sympathetic addition and as such, the applicants agreed to amend the proposal so that the strong horizontal and vertical features of the existing design were repeated through to the sea view lounge. As part of this amendment, when seen from the front elevation, the glazing proportions and locations from the lounge and bedroom 1 are also repeated.
- 3.17. The scale and proportions of the roof extension reflect those of the existing building. In this respect due to this factor, its set back from the roof edges to the east and south east, when viewed from the street the extension would appear proportionate in terms of its scale and design.
- 3.18. It is considered that as a result of the amended proposal, the design of the sea view lounge is now acceptable.

Other matters

- 3.19. **Addition of home cinema.** The room for the home cinema has already been constructed as part of this development. The applicant was made aware that this work was carried out at risk. That point considered, the addition of this room in the basement level does not affect the amenity of the neighbouring residents and it does not alter the character and appearance of the dwelling. This element of the proposal is considered acceptable.
- 3.20. **Bi-fold doors added to proposed games room (approved as gym/home cinema), patio in front of proposed games room (south east elevation).** The addition of bi-fold doors and a patio area

outside of the proposed games room will allow inside/outside use of this room. While this amendment of the development would be seen from the south east elevation i.e. front of the property, it is at basement level and will be screened from the properties opposite. It is not considered that it would adversely affect the amenity of neighbouring residents or the character and appearance of the dwelling.

- 3.21. **Internal and other external alterations.** A number of internal changes are proposed. These are not considered to adversely affect the amenity of neighbouring residents or alter the character and appearance of the dwelling. Externally, a proposed flue adjacent to the sea view lounge has been deleted from the scheme and is therefore no longer part of this consideration.

Conclusion

- 3.22. In terms of its effect on residential amenity, as has been set out above it is considered that the proposed amendments are acceptable. In terms of privacy, the roof extension would be set far enough back from the front elevation of the dwelling that it would not be looking directly at any of the properties opposite, by virtue of the projecting roof form and an intervening protected tree. Other fenestration changes are minor and would not cause any harm. In terms of being overbearing or causing unacceptable overshadowing, the effects of the proposed roof extension are considered to be limited. The roof extension is now designed to an acceptable form and scale which better reflects the existing design of the dwelling.
- 3.23. All public comments have been taken into account in making this recommendation.
- 3.24. The proposals are considered acceptable in terms of the NPPF drive for achieving good quality design and in safeguarding neighbour amenity.
- 3.25. Conditions to be attached will reflect the requirements of the Inspector's decision and are set out below in the recommendation.

g) **Recommendation**

- I. Planning permission be GRANTED, subject to conditions including: (1) Plans (2) Materials to be submitted (3) Tree survey to be carried out in accordance with the details as approved (under DOV/14/00021) (4) Sea view lounge, north east glazing panel fixed shut (5) Balustrade and no access to roof (6) Ensuite north east elevation obscure window (7) PD restrictions changes to openings in all elevations.
- 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