

a) **DOV/15/00457 – Erection of a detached dwelling - Land adjoining Pentire House, The Leas, Kingsdown**

Reason for report: Number of contrary views.

b) **Summary of Recommendation**

Planning Permission be refused.

c) **Planning Policies and Guidance**

Core Strategy Policies

- CP7 - Planning permission for development that would harm the green infrastructure network will only be granted if it can incorporate measures that avoid the harm arising or sufficiently mitigates its effects.
- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM11 - Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 - Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM15 - Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 - Generally seeks to resist development which would harm the character of the landscape, unless it is in accordance with a Development Plan designation and incorporates mitigation measures, or can be sited to avoid or reduce the harm and/or incorporates design measures to mitigate the impacts to an acceptable level.

Dover District Local Plan (Saved Policies)

- CO5 - Development will only be permitted on the Undeveloped or Heritage Coasts, if:-
 - i a coastal location is essential and no suitable alternative site exists;
 - ii the development is not in an area of eroding cliffs or unstable land;
 - iii it would not result in the need for coastal protection works; and
 - iv there is no adverse off-shore impact.

Additionally, on the Heritage Coasts, development will not be permitted if it would adversely affect the scenic beauty, heritage or nature conservation value of a Heritage Coast or the Undeveloped Coast.

Kent Downs AONB Management Plan

- SD1 - The need to conserve and enhance the natural beauty of the Kent Downs AONB is recognised as the primary purpose of the designation and given the highest level of protection within statutory and other appropriate planning and development strategies and development control decisions.
- SD3 - New development or changes to land use will be opposed where they disregard or run counter to the primary purpose of the Kent Downs AONB.
- LLC1 - The protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued.
- HC3 - Threats to the qualities and character of the Heritage Coast will be resisted and managed.

National Planning Policy Framework (NPPF)

- 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 to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs; 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; contribute to conserving and enhancing the natural environment and reducing pollution; prefer land of lesser environmental value, where consistent with other policies in the framework; encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; 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.
- Chapter four of the NPPF seeks to promote sustainable transport. In particular, paragraph 29 states that "the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel".
- 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.
- Chapter seven requires good design, which is a key aspect of sustainable development.

- Chapter eleven requires that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes, geological conservation interests and soils. Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), providing that it is not of high environmental value. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. Local planning authorities should aim to conserve and enhance biodiversity.

The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development.

d) **Relevant Planning History**

DOV/98/01125 - Erection of a dwelling - Refused and subsequently dismissed at appeal

DOV/10/00530 - Erection of a detached dwelling – Withdrawn

e) **Consultee and Third Party Responses**

Kent Downs AONB Unit - Object.

The site lies within the AONB and the Heritage Coast. Within the AONB development must conserve or enhance the natural beauty of the AONB. Within the Heritage Coast development must protect, conserve or enhance the Natural Beauty of the Coastline. The site is within the AONB South Foreland Character Area, where an objective is to 'conserve the spacious and wilder aspects of the landscape, retaining species rich grasslands, pockets of scrub and restore the network of existing hedgerows where appropriate. Guidance also directs that pockets of scrub and trees are conserved and open views to the sea are maintained. The character of The Leas is that of detached dwellings which are characterised by being set in large plots with substantial spacing between dwellings.

"The AONB Unit is concerned that the erection of a dwelling on this site would be out of character with the existing residential development with a plot size and frontage much smaller than the existing plots, representing a more intensive form of development than currently exists. It is considered that an intensification of the existing residential development should be resisted as it would not conserve and enhance either the AONB or the Heritage Coast".

Concern is also raised that the proposal would be apparent in views from the west, diminishing existing open views to the sea, and when viewed from this direction, presenting a more solid form of development. The proposal is not of such exceptional quality to justify the setting aside of normal policies of restraint in the countryside as allowed in para 55 of the NPPF, with the proposal failing to be sensitive to the defining characteristics of the local area. The AONB Unit does not agree with the conclusion of the LVIA that with mitigation the likely residual effect is likely to be beneficial or result in no material change. As such the application is considered to be contrary to policies SD1, SD3, LLC1 and HC3 of the Kent Downs AONB Management Plan.

Planning policies in Dover's adopted Core Strategy are also relevant to the application. The AONB Unit considers that policies DM1, DM15, DM16 of the Core Strategy and saved policy CO5 of the Local Plan are considered to be of particular relevance.

The erection of a dwelling on this site would have a detrimental impact on both the South Foreland Character Area and the Heritage Coast. The application proposals would weaken the characteristics and qualities of natural beauty and landscape character and disregard the primary purpose of the AONB designation, namely the conservation and enhancement of its natural beauty. As such the proposal is contrary to paragraphs 114 and 115 of the NPPF, policies SD1, SD3, LLC1 and HC3 of the AONB Management Plan 2014-2019 as well as policies DM1, DM15 and DM16 of Dover's Core Strategy and accordingly there is policy justification to refuse this application.

Natural England - No objection.

This application lies in close proximity to the Dover to Kingsdown Cliffs Site of Special Scientific Interest. This SSSI forms part of the Dover to Kingsdown Cliffs Special Area of Conservation. The development, as submitted, "is not likely to have a significant effect on the interest features for which Dover to Kingsdown Cliffs has been classified". An appropriate assessment is not, therefore, required. In addition, the development will not damage or destroy the interest features for which the Dover to Kingsdown Cliffs SSSI has been notified and therefore the SSSI does not represent a constraint in determining this application.

Natural England does not wish to comment on the impact on protected landscapes. The local authority should, however, consult the AONB Unit.

The local authority should refer to Natural England's Standing Advice in respect of the likely impact on protected species.

Should permission be granted, the authority should consider securing measures to enhance the biodiversity of the site.

National Trust - Object.

The site is a very environmentally sensitive location, within the nationally designated AONB, close to the Saxon Shore Way and White Cliffs Country Trail. The site is immediately adjacent to the SSSI and SAC. The application site is visually exposed and sensitive. The erection of a new dwelling on this plot within this characteristically low density area is inappropriate and would adversely affect the character of the area. The proposed development would be intrusive in views from The Leas and would adversely affect the amenity of the area, in particular the landscape setting, biodiversity value and recreation value. The development would be contrary to policies DM1 and DM15 of the Core Strategy. The technologies and design approach do not appear to be so innovative or introduce new design or build qualities, over and above what has been demonstrated elsewhere. The proposal is also in conflict with Policy CO5 of the Local Plan which states that development will not be permitted if it would adversely affect the scenic beauty, heritage or nature conservation value of the Heritage Coast or Undeveloped Coast.

Principal Ecologist – Object.

The site is isolated, within an AONB and within the Heritage Coast. The development must therefore fulfil the criteria of paragraph 55 of the NPPF and the policy requirements in respect of Heritage Coast and AONB. The building is not necessary for the conservation of the Heritage Coast; the building does nothing to protect the Heritage Coast; and the development would not enhance the Heritage Coast. The development would increase built form in a highly visible manner, diminishing the link between coastal cliff grassland and the downland golf course. The biodiversity of the site is limited and uncharacteristic of the calcareous grassland that occurs on some nearby properties; however, any improvements, if achievable, would not be significant, either in terms of

the adjoining SAC/SSSI or the Local Wildlife Site. Any reduction in the wide spaces between properties would lessen the special sense of place. The permission be granted, it is recommended that a condition be attached to ensure that no access or parking take place on the adjacent National Trust land.

KCC Archaeology – Recommend that, should planning permission be granted, a condition should be attached requiring the implementation of a programme of archaeological work, in accordance with an agreed written specification and timetable.

Ringwold with Kingsdown Parish Council – Object.

“The development is on a small parcel of land, the proposed construction is inappropriate in design and appearance and the visual impact would not blend with the surrounding area. The Parish Council is prepared to consider modern designs and is not wedded to traditional developments. However, it does not consider this proposal meets the criteria for good design given the plot and the context. This application does not meet any of the criteria outlined in National Planning Policy Framework 2012 for sustainable development and has a detrimental effect in terms of its social and environmental impact.

This is an AONB and the White Cliffs landscape should remain protected and unchanged. As stated in the Land Allocation Pre Submission Local Plan page 113, any development proposals which are located within the Coastal Change Management Area (CCMA) will be assessed to ensure that only appropriate development that requires a coastal location, and provides substantial economic and social benefits, is permitted. This application does not meet these criteria. An application for the erection of a detached dwelling on a neighbouring strip on land at Ty-bryn was refused DOV/10/00477. The reasoning given was that the application site did not constitute previously developed land, lies outside of any identified settlement confines, and is located within the countryside where there is a presumption to protect the areas special character and appearance.

The development would be out of keeping with, and of significant detriment to, the established character and appearance of the street scene and the wider character and appearance of the countryside contrary to Dover District Council Core Strategy. We submit that the reasoning underlying the refusal of that application set out in the Notice of Refusal of Outline Planning Permission dated 23/07/2010 applies in equal measure to the present application.

A previous application to build on this site was withdrawn DOV/10/00530 Passivhaus, The Leas, Kingsdown. The Parish Council objects to this application and recommends refusal”.

DDC Head of Building Control – No objection

The evidence used to justify the conclusion that the property is not vulnerable to erosion within the next 100 years is robust.

Third Parties/Neighbours -

Forty-four letters of objection have been received, raising the following concerns:

- The site lies outside of the settlement confines
- The development would harm the character of the AONB
- The site is a Site of Special Scientific Interest and a Special Area of Conservation
- The Leas lacks infrastructure, such as mains drainage and mains gas

- The development would be an undesirable intensification of development along The Leas
- The development would harm the character and appearance of the area
- Unacceptable impact on the Heritage Coast
- Harm to the integrity of the cliffs
- Impact on the road, including The Leas and the neighbouring road, which are unadopted and unsuitable for heavy traffic
- Impact on the living conditions of neighbours, including causing a loss of light, a sense of enclosure and overlooking/loss of privacy
- Impact on wildlife

In addition, fifteen letters of support have been received, raising the following points:

- The development is innovative and original
- The development would improve the appearance of the site
- The dwelling would be sustainable
- The dwelling would complement and improve the character of The Leas and the AONB

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

1.1 The Leas comprises an unadopted road running along the coast line (north to south) for approximately 1.1km. To the eastern side of the road is undeveloped and unimproved chalk grassland, displaying a wild character. To the western side are a string of eleven large dwellings which are typically set in spacious plots. The character of the properties, whilst all low density, varies along the length of The Leas, with White Cottage, Sun Villa and Coast House, set closer together than the remaining development further to the south. Beyond the dwellings, further to the west is the Walmer and Kingsdown Golf Club. Whilst the landscape of the golf club is managed, it retains a character which adds to the beauty of the area.

1.2 The site itself was formally part of the side garden of Pentire House, but has subsequently been separated off. The site is surrounded by a mixture of timber fences and vegetation, whilst a concrete wall demarcates the sites western boundary with the golf course. There are no structures or buildings on the site, albeit it is apparent that a garage building had once been located on the site. A concrete hardstanding remains towards the east of the site, adjacent to the boundary with The Leas.

1.3 The proposal is for the erection of one detached dwelling which would provide three large bedrooms, a large open plan kitchen, dining and living room, together with bath rooms, plant rooms and an internal garage. The rooms would be spread across one floor, the level of which would rise from west to east, which would oversail the integral garage and car parking areas. An extensive hard and soft landscaping scheme is also proposed around the building (and to its roof). The building would incorporate a number of technologies to reduce the energy consumption of the building, provide energy and ventilate the building. These include highly insulated floors, walls, roof and triple glazed windows, a ground source heat pump, photovoltaic solar panels, battery storage, phase change materials within the fabric of the building, solar walls and mechanical ventilation with a heat exchanger.

2 Main Issues

2.1 The main issues are:

- The principle of the development.
- The impact of the development on the character and appearance of the area, including on the Area of Outstanding Natural Beauty.
- The impacts of the development on the living conditions of neighbouring properties.
- The impact on the highway network.

Assessment

Principle

- 2.2 The site lies outside of the settlement boundaries, where Policy DM1 applies. This policy states that development will not be permitted on land outside of the confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or is ancillary to existing development or uses. The development is not supported by other policies in the development plan. Dwelling houses do not functionally require a rural location, whilst the development would not be ancillary to the existing uses or development at the site. The development is therefore contrary to Policy DM1.
- 2.3 However, as the District cannot demonstrate a five year housing land supply and having regard for paragraphs 14 and 49 of the NPPF, the Councils housing policies cannot be considered up-to-date. In such instances permission should be granted unless the development is unsustainable or specific policies in the NPPF direct that permission should be refused. As the assessment of sustainability is a comprehensive exercise, having regard to the three dimensions of sustainable development and paragraphs 18 to 219 of the NPPF, this assessment will be carried out at the end of this report under the heading 'sustainability overview'.

Character and Appearance

- 2.4 The site is within a highly sensitive location, being within the countryside, AONB and Heritage Coast. The site is adjacent to the Saxon Shore Way, England Coast Path and White Cliffs County Trail, which are well used public rights of way. Furthermore, the route has been adopted as a National Trail under the Marine and Coastal Access Act 2009. The site would be prominently located and would be visible for a length of approximately 250m along this right of way. These views are taken from land which is designated as countryside, AONB and Heritage Coast.
- 2.5 The site would also be visible from the land to the west, which falls from just over 50m in elevation down to around 15m in elevation, before rising again to around 65m in elevation. Close to the later ridge, which lies approximately 800m to the west, is a public footpath leading along the ridge from Victoria Road. From this footpath, and the junctions of Victoria Road with Queensdown Road, Hillcrest Road and Kingsdown Hill, the site is visible as a distinct gap in both the built development along The Leas and a distinct gap in vegetation. In these views the site appears as a transitional space between the land in the close vicinity of Pentire House and the large side garden of Tybryn, which has a strong sylvan quality. In these views the site is visually permeable, although a low level concrete wall which forms the southern boundaries of Coast House, Pentire House and the site provides some distraction from the otherwise sporadic development within generous, treed grounds. These views are taken from land which is designated as countryside and AONB.

- 2.6 The site lies within the countryside, where policy DM15 applies. This policy directs that planning permission for development that adversely affects the character or appearance of the countryside should be refused, unless one of five criteria is met. Regard must also be had for whether the development would harm the landscape character of the area, in accordance with policy DM16. Where harm is identified, permission should be refused unless it is in accordance with the development plan and incorporates any necessary avoidance or mitigation measures, or can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.
- 2.7 The site also falls within an area identified by Policy CP7, where there is a strategy to conserve and create Green Infrastructure. Green Infrastructure is defined as “the network of green spaces and natural elements (including water) within and between the built environment”. Within this area, planning permission for new development which would harm the Green Infrastructure Network will only be permitted if it can incorporate measures that avoid the harm arising or sufficiently mitigate its effects.
- 2.8 The site is also within land designated as Heritage Coast under saved policy CO5 of the Local Plan. This policy directs that permission be refused for development within this area, unless four criteria are met. These criteria require that: a coastal location is essential and no suitable alternative site exists; the development is not in an area of eroding cliffs or unstable land; it would not result in the need for coastal protection works; and there is no adverse off-shore impact. Additionally, development will not be permitted if it would adversely affect the scenic beauty, heritage or nature conservation value of a Heritage Coast or the Undeveloped Coast. This policy was drafted prior to the publication of the NPPF and the weight given to this policy must therefore be proportional to its compliance with the NPPF which, at paragraph 114, states that development should “maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes and improve public access to and the enjoyment of the coast”. However, paragraph 3.372 of the Land Allocations Local Plan, which was adopted after the NPPF states that “only appropriate development which requires a coastal location, and provides substantial economic and social benefits, is permitted”.
- 2.9 Within the 12 core planning principles of the NPPF, there is a strong emphasis to ensure a high quality design, which responds to its context and conserves the special character of the countryside. In particular, planning should recognise “the intrinsic character and beauty of the countryside” and “contribute to conserving and enhancing the natural environment”.
- 2.10 The site is located within the Area of Outstanding Natural Beauty (AONB). Paragraph 115 of the NPPF states that “great weight should be given to conserving landscape and scenic beauty in (sic) Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty”.
- 2.11 The site is defined as being within the South Foreland Landscape Character Area, the main characteristics of which are described in the Kent Downs AONB Landscape Design Handbook as comprising: White Cliffs of the Heritage Coast; unimproved chalk grassland along the cliff tops; open exposed landscape dotted by farms and small settlements fringed by trees and scrub; large rolling arable fields with a thin network of remnant hedge; and open landscape vulnerable to any form of development.

- 2.12 The Kent Downs AONB Management Plan 2014-2019, which is a material consideration, sets out how the AONB is intended to be managed and developed and includes a number of policies to achieve its stated aims and the aims of national planning policy. This document was given weight in the decision to dismiss an appeal for a new building at Walmer and Kingsdown Golf Club earlier this year (DOV/15/00491). The policies in the plan seek to protect, conserve and enhance the natural beauty of the landscape and advise that permission should be refused for development which would undermine this aim. Furthermore, the plan advises that threats to the qualities and character of the Heritage Coast will be resisted and managed.
- 2.13 The development would be highly visible from The Leas and the Saxon Shore Way to the east, where it would be plainly visible in close views.
- 2.14 The build development on The Leas, whilst distracting from the wild character of the cliff top, has a spacious quality which substantially reduces its visual impact. Equally, whilst the site does not currently provide an extension of the unimproved chalk grassland and the boundary treatments, to a degree, impede views and the 'open' character of the site, the site remains an important gap between buildings, providing respite from the built development and reducing the dominance of the buildings to either side by providing them with a broader undeveloped setting.
- 2.15 The development along The Leas produces a layout which is defined by a series of well separated buildings. Whilst the development along The Leas is considered to detract from the wild character of the cliff top, the spaciousness of these sites and the separation distances between dwellings help to reduce their impact. It is acknowledged that the density of development and, correspondingly, the separation distance between buildings is not uniform along the length of The Leas. In particular, Sun Villa and Coast House (and to a lesser extension White Cottage) are located in significantly narrower plots and significantly closer together than other development on the road. Whilst this development forms a part of the context of the site, it is considered that it serves to demonstrate the visual impact which is caused by an increase in the density of development, being significantly more visually prominent and having a greater impact on the natural beauty of the landscape.
- 2.16 The proposed dwelling would occupy a significant proportion of the site when compared to its neighbours (and particularly when compared with its immediate neighbours). Consequently, the dwelling would appear uncharacteristically confined and congested within the plot. The dwelling would also be uncharacteristically close to Pentire House. The generous separation distance between properties provides a semi-natural setting to the buildings, reducing their impact on the character of the area. For these reasons, it is considered that the scale and the layout of the building fail to have regard for the special character of the area, detracting from the spaciousness of development along The Leas which is so vital in minimizing the prominence of the dwellings.
- 2.17 Notwithstanding the concerns raised regarding the scale and layout, regard must also be had for the design of the building. In assessing the design of the building, it is important to note that the NPPF is clear in directing that planning should not "attempt to impose architectural styles or particular tastes" and "should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to promote or reinforce local distinctiveness". The eastern elevation of the building is dramatic, comprising a stark vertical elevation which would be raised above ground level. To the side, but visible from The Leas would be a pair of jagged protrusions accommodating windows. The applicant contends that this elevation

responds to the sheer cliff face. Whilst this approach is understandable, the cliff face is only visible along certain stretches of the coastline and is not a notable feature of the vicinity of the site. It is therefore considered that this architectural reference to the cliff face is misplaced, with the character of the landscape within this part of the Heritage Coast being derived from the gently undulating chalk grassland atop the cliff. The effect of the bold design is to create a harsh, obtrusive appearance, which increases the prominence of the building and the harm caused by the scale and layout.

- 2.18 For these reasons, it is considered that the building would have a significant adverse impact on the natural beauty of the landscape, substantially increasing the density and urban character of the site and decreasing the attractiveness of the Saxon Shore Way.
- 2.19 In addition to the views from The Leas (and the Saxon Shore Way which passes along the cliff top), the site is visible from the north west, including from the Victoria Road area and public footpaths linking to Victoria Road.
- 2.20 From the north west existing views of the site comprise the concrete wall to the western boundary of the site and vegetation. The context of the site comprises Pentire House to the north and extensive vegetation within the curtilage of Tybryn. The proposal would remove the existing concrete wall, creating a more freely flowing landscape. The applicant has confirmed that the building proposed seeks to respond to the character of the landscape. From the west, the sloping roof would be visible which, although incorporating an area for an array of solar panels, would be finished in a mixture of beach shingle and chalk rubble. The applicant is of the opinion that, from this view, the building would respond to the gently undulating land to the west. The proposed dwelling would be visible in these views, in particular the white rendered walls, glazing and solar panels; however, these views would be taken at a distance of around 800m whilst some of the materials chosen would reduce the prominence of the building. Views of the building from public viewpoints to the west would take in an extensive panorama. Furthermore, the building would be partially screened by vegetation in these views. Whilst some visual harm would be caused by the development, it is considered that the removal of the concrete wall, which is a prominent feature that truncates the flowing landscape, is positive. Overall, it is therefore considered that the development would have a neutral impact on the character of the area, the countryside, the AONB and the Heritage Coast.
- 2.21 The development would also harm the Green Infrastructure Network, through the loss of green spaces and natural elements within the site. Whilst some mitigation and enhancement of the site is proposed, for example the creation of areas of calcareous grassland habitat and areas of chalk rubble, it is not considered that these measures are sufficient to off-set the loss caused by the development as a whole.
- 2.22 The development would therefore be contrary to Policies CP7, DM15 and DM16 of the Core Strategy, Saved Policy CO5 of the Dover Local Plan, Policies SD1, SD3, LLC1 and HC3 of the Kent Downs AONB Management Plan 2014-2019 and paragraphs 17, 58, 60, 61, 64, 109 and 115 of the NPPF.

Impact on Residential Amenity

- 2.23 The site is bounded by two dwellings; Pentire House to the north and Tybryn to the south.

- 2.24 Pentire House is the closest neighbour to the proposed dwelling. It is located approximately 10m from the boundary with the application site, whilst the proposed dwelling would be, at its closest, 6m from this boundary and increasing to 12m. The boundary between the two sites predominantly consists of tall vegetation, although a section of the boundary (approximately in line with the rear of Pentire House, comprises a timber fence of approximately 1.8m in height.
- 2.25 The building itself would be approximately 3.2m in height to its rear, rising to around 5.9m to its front. Having regard for the separation distance between the two properties, together with the height and mass of the proposed building, it is not considered that the development would cause an unacceptable degree of loss of light or sense of enclosure.
- 2.26 The proposal would also include three side facing windows and a door within the northern elevation of the building. These openings, from front to rear, would be approximately 11m, 8m, 8m and 9m away from the boundary with Pentire House respectively. The two western most windows proposed would be significantly beyond the rear of Pentire House and, as such, I do not consider that the limited degree of overlooking caused would be unacceptable. This limited harm would be further reduced by the vegetation on the boundary. The eastern most window would be approximately level with the side elevation of Pentire House and, given the separation distance of 21m with this side elevation, I am satisfied that the level of overlooking would be unacceptable. The final window would be located approximately level with the first few metres of the garden beyond the rear elevation of Pentire House, at a distance of approximately 8m from the common boundary. This window would undoubtedly cause a degree of overlooking to the side garden of Pentire House and part of the garden to the rear of Pentire House. However, having regard for the separation distance, relationship with windows on the side and rear elevation of Pentire House and the size of the rear garden of Pentire House, I do not consider that, on balance, the degree of overlooking would be sufficient to warrant refusal on that basis.
- 2.27 Tybryn would be set a significant distance away (in excess of 60m) from the proposed dwelling. As such, no unacceptable loss of light, sense of enclosure or overlooking would be caused to that property.
- 2.28 Other properties within the area are sufficiently well separated from the site and would not be unacceptably harmed.

Impact on the Highway

- 2.29 This section will not consider the sustainability of the sites location and whether the development would be balanced in favour of sustainable modes of transport. These considerations will instead be laid out within the sustainability overview section which will follow. This section will focus upon the access, turning and parking arrangements for cars.
- 2.30 The development would provide a new vehicular access onto the site from The Leas. This access would be located towards the north of the front (eastern) boundary of the site, and would replace the existing access towards the south of the front boundary of the site, which formally served a garage on the land and has now been demolished. This access would be set away from the sites (northern) boundary with Pentire House by approximately 2m, although at this point the access would be splayed. The access would be significantly further from the (southern) boundary with Tybryn and would be set back from the roadway by a grass verge, approximately 1.2-1.5m wide. Following several visits to the site, it has been noted that The Leas is very lightly trafficked, being an

unadopted road which serves approximately 10 dwellings beyond the Golf Club. Having regard for the likely use of the Leas, the visibility splays which would be available across the application site and the grass verge, and the likely additional vehicle movements which would be generated by the proposed development, it is not considered that the access would cause any material harm to highway safety or the free-flow of traffic.

- 2.31 The ground floor plan shows the provision of car parking for four vehicles, two within a garage and two undercroft spaces. The application form, however, proposed three spaces. Having regard for the size and layout of the car parking area, it is considered that three or four vehicles could easily park and manoeuvre within the undercroft area, which is approximately 12m wide by 17m long. Table 1.1 of the Core Strategy suggests that a minimum of two independently accessible car parking spaces be provided for residents of the dwelling, together with an additional 0.2 spaces for visitors, although parking should be a design-led process. The development would comfortably accommodate this.
- 2.32 The development does not include any defined provision of cycle parking spaces, as recommended by the Kent Design Guide (including Interim Guidance Note 3) and the NPPF. However, I am mindful that the proposed garage would be more than sufficient to provide the three cycle spaces which would be recommended for this size dwelling. On balance, it is not, therefore, considered that the lack of dedicated cycle storage would be reason to refuse planning permission.

Coastal Erosion

- 2.33 The site is located relatively close to the cliff edge and is within the area designated as Heritage Coast. Within such areas, applications for development will be expected to demonstrate that it is not in an area of eroding cliffs or unstable land. Furthermore, the NPPF, at paragraphs 105 to 108 requires that applications demonstrate that development will be safe over its planned lifetime and will not have an unacceptable impact on coastal change. The site lies within the area covered by the Pegwell Bay to Kingsdown Coastal Flood Risk Management Strategy, specifically within the MOD Rifle Range area (Reach 7).
- 2.34 The base of cliff adjacent to the site is, to a degree, protected by the MOD Rifle Range at present, the plan for this section is 'managed realignment', i.e. it is proposed to remove the defences or allow them to erode over time (subject to the wishes of the MOD), with the intention to return the cliffs to natural processes of erosion. Consequently, this part of the cliff is subject to a Coastal Change Management Area and it must be assumed that the cliff does not benefit from protection from coastal erosion.
- 2.35 It is necessary to consider whether the development would be safe from coastal erosion over its planned lifetime (considered to be 100 years in the case of a permanent dwelling). The applicant has submitted an erosion assessment to consider this issue. The report models the predicted erosion of the coastline, concluding that, based on a worst case scenario, the cliff edge will retreat 40m over the next 100 years. The proposed dwelling is currently approximately 73m from the cliff edge. As such, the dwelling would remain approximately 33m from the cliff edge at the end of its planned lifetime and it is concluded that it would therefore be 'safe' over this period, in accordance with Policy CO5 and the NPPF. Furthermore, it is not considered that the development would impact on coastal change. The findings of the applicants report have been accepted by the Councils Head of Building Control, who considers that the report is robust.

Sustainability Overview

- 2.36 Paragraph 49 of the NPPF states that "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". At present, the council is unable to demonstrate a five year supply of housing land. As such, and in accordance with paragraph 14 of the NPPF, planning permission must be granted, unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies" of the NPPF, or where specific policies of the NPPF "indicate development should be restricted".
- 2.37 Sustainability is defined in the NPPF, at paragraph six, as paragraphs 18 to 219 of the NPPF taken as a whole. However, the assessment of sustainability can also be separated into three dimensions: economic, social and environmental.
- 2.38 Whilst the NPPF must be assessed as a whole, two paragraphs (29 and 55) are considered to be particularly relevant to this application.
- 2.39 Paragraph 29 of the NPPF states that "the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel". This paragraph goes on to acknowledge that "opportunities to maximise sustainable transport solutions will vary from urban to rural areas". Kingsdown, which is defined as a village in the Settlement Hierarchy, provides limited services and facilities. These include a Church, 1.2km from the site, three pubs, between 1km and 1.3km from the site, a butchers/deli and newsagent, 1km from the site, and a primary school, 2.3km from the site. The site is approximately 1.1km from bus stops which are served by the No.82 bus, which links to Deal, and the No.541, which is an infrequent service to Dover and Deal. The site lies beyond the maximum walking distances to these limited facilities, as recommended by the guidelines produced by The Institute of Highways and Transportation and far in excess of the desirable walking distances suggested by the Kent Design Guide. Furthermore, the topography of the area would be likely to inhibit less ambulant residents (or those with push chairs).
- 2.40 Having regard for the walking distances to facilities and services and the lack of nearby bus services, it is considered that future occupiers of the dwellings would be highly dependent upon private cars. As such, and as accepted by the applicants, the dwellings would be isolated.
- 2.41 Paragraph 55 of the NPPF states that, in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and continues to say that new isolated homes in the countryside should be avoided, except where special circumstances exist. As addressed previously, the site is considered to be isolated. The circumstances where isolated housing may be acceptable include:
- where there is the essential need for a rural worker to live permanently at or near their place of work in the countryside;
 - where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
 - where the development would be of exceptional quality or innovative design; reflect the highest standards of architecture; significantly enhance

its immediate setting and be sensitive to the defining characteristics of the area.

- 2.42 It is not considered that the first three criteria are relevant to this case, which leaves the fourth criterion.
- 2.43 The fourth criterion requires development to be of exceptional quality or innovative nature. Such design should itself meet four criteria, requiring the design to:
- Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - Reflect the highest standards in architecture;
 - Significantly enhance its immediate setting; and
 - Be sensitive to the defining characteristics of the local area.
- 2.44 These four criteria must be jointly achieved. The environmental credentials of the building have been designed from the beginning to incorporate the most pioneering technologies and design a building which maximises the efficiency of the structure of the building. Whilst the individual elements of the building (for example the technologies to be employed) are not unique or innovative on their own, the combination of technologies, cutting edge materials and form and orientation of the building, together with the detailed academic study of previous prototypes of similar buildings which has informed the current proposal, is considered to be innovative. However, as set out more fully in the character and appearance section of this report, it is not considered that the development is sensitive to the defining characteristics of the area and would fail to significantly enhance its immediate setting. As such, the development does not meet each of the four requirements of the fourth criterion and, as such, fails to meet any of the special circumstances required by paragraph 55 to substantiate granting permission for a new isolated home in the countryside.
- 2.45 Whilst paragraphs 29 and 55 of the NPPF indicate that permission be refused, reading the NPPF as a whole, the development can be split down into the three dimensions of sustainable development.
- 2.46 The development would provide a short term economic benefit, by providing employment during the construction phase.
- 2.47 With regards to the social role, the development would provide one additional dwelling which would, to a small degree, contribute towards the Districts need for housing supply. The development would, however, be isolated and would not enhance or maintain the vitality of rural communities. Whilst the design of the building itself is of some merit, it fails to have regard for its context and would not, therefore, contribute towards the creation of a high quality built environment.
- 2.48 Turning to the environmental role, the sustainable design and technologies which are intrinsic to the development would be positive, helping to minimise the use of natural resources, minimising waste and pollution, and helping to adapt to climate change; however, the dwelling would significantly intensify the domesticity of the site and increase the density of development along this sensitive coastline, reducing the spacious character of the area and restricting open views, failing to protect or enhance the natural environment.
- 2.49 Whilst the development would, in my opinion, produce several benefits, it is considered that these benefits are significantly and demonstrably outweighed by the significant harm the development would cause to the special character and

appearance of the countryside, AONB and Heritage Coast. The development would also be in an isolated location, and would fail to meet the exceptional circumstances outlined by paragraph 55 of the NPPF which is directly relevant to the current application.

- 2.50 To conclude, it is not considered that the development represents 'sustainable development' and is not, therefore, supported by the provisions of paragraph 14 of the NPPF.

Other Matters

- 2.51 The applicant has drawn attention to an application for two dwellings which were granted at the southern end of The Leas in 2014 (DOV/14/00176). The application site for the 2014 application is similarly within the countryside, AONB and Heritage Coast. Whilst this application is relatively close to the site of the current application and was also for residential development, and could therefore be seen to be comparable, the site contained three dwellings and five outbuildings, which were to be demolished in advance of the erection of two dwellings being built. The current application site does not include any existing buildings. The two sites are therefore significantly, and materially, different. Furthermore, each case must be considered on its own merits.

Overall Conclusions

- 2.52 The proposed development lies outside of the settlement confines of Kingsdown, in an isolated location. Whilst the individual design of the building is of some interest, and the development would be a high standard of sustainable design and construction, the development would cause substantial harm to the special character and appearance of the area, which is within the countryside, within the AONB and within the Heritage Coast, which more than outweighs the benefits of the proposal. As such, and having full regard for the provisions of the NPPF as a whole (but in particular paragraphs 14, 29, 49 and 55) it is not considered that the development is 'sustainable'. The principle of the development is judged to be contrary to policies CP1, DM1 of the Core Strategy, saved policy CO5 of the Dover District Local Plan and the NPPF. Furthermore, the development would cause significant harm to the character of the area, contrary to policies DM15, DM16 and CP7 of the Core Strategy, saved policy CO5 of the Local Plan, policies SD1, SD3, LLC1 and HC3 the Kent Downs Area of Outstanding Natural Beauty Management Plan 2014-2019 and the NPPF. It is therefore recommended that planning permission be refused.

g)

Recommendation

- I Planning Permission BE REFUSED for the following reasons:-

(i) The site lies outside of the settlement boundaries and, as such, the erection of a dwelling represents an unsustainable and inappropriate form of development within the countryside and within the designated Heritage Coast, contrary to Core Strategy Policy DM1, Saved Dover District Local Plan Policy CO5 and paragraphs 17, 58, 60, 61, 64, 69, 70, 73, 74, 109 and 115 of the National Planning Policy Framework.

(ii) The proposed development, by virtue of its location and scale would urbanise the site in a sensitive countryside location, causing a severe adverse effect upon the scenic beauty of the countryside and the Area of Outstanding Natural Beauty and would result in the loss of green space and natural elements, contrary to Core Strategy Policies DM15, DM16 and CP7, Saved Dover District Local Plan Policy CO5, paragraphs 17, 58, 60, 61, 64, 109 and 115 of the National Planning

Policy Framework and Policies SD1, SD3, LLC1 and HC3 the Kent Downs Area of Outstanding Natural Beauty Management Plan 2014-2019.

Case Officer
Luke Blaskett