

a) DOV/16/00072 - Erection of a detached dwelling, creation of vehicular access and landscaping - Site Adjoining The Cottage, St Monica's Road, Kingsdown

Reason for report: deferred for Members' site visit.

b) Summary of Recommendation

Planning permission be Refused

c) Planning Policy and Guidance

Dover District Council Core Strategy (CS)

- An objective of the Core Strategy is to 'ensure the intrinsic quality of the historic environment is protected and enhanced and that these assets are used positively to support regeneration, especially at Dover'.
- Policy CP1 states the location and scale of development in the District must comply with the settlement Hierarchy. The Hierarchy should also be used by infrastructure providers to inform decisions about the provision of their services.
- Policy DM1 states that development will not be permitted outside the confines unless specifically justified by other plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.

National Planning Policy Framework (NPPF) 2012

- Paragraph 7 sets out 3 dimensions to sustainable development – the economic, social and environmental role which should not be undertaken in isolation.
- Paragraph 14 states "that at its heart there is a presumption in favour of sustainable development. Where the development plan is absent, silent or out of date this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole".
- Paragraph 17 sets out the core planning principles... Planning should....always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings..."take account of the different roles and character of different areas, promoting the viability of our main urban areas, protecting the Green Belts, around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it...."
- Paragraph 49 states "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."
- Paragraph 56 states "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."
- Paragraph 60, Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation. It is, however, proper to seek to promote or reinforce local distinctiveness".
- Paragraph 63 states, "determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area".

- Paragraph 64, “permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions”.
- Paragraph 126 “ Local Planning Authorities should set out in their local plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay and other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, Local Planning Authorities should take into account;
 1. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 2. The wider social, cultural, economic and environment can bring;
 3. The desirability of new development making a positive contribution to local character and distinctiveness; and
 4. Opportunities to draw on the contribution made by the historic environment to the character of the place.
- Paragraph 129 “Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal”.
- Paragraph 131 “ In determining planning applications, local planning authorities should take account of:
 1. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistence with their conservation;
 2. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 3. The desirability of new development making a positive contribution to local character and distinctiveness.
- Paragraph 132 “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”.
- Paragraph 133 ‘where a proposed development will lead to substantial harm to or total loss of significance of designated asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply;
 - The nature of the heritage asset prevents all reasonable uses of the site; and no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and Conservation by grant-funding or some form of charitable public ownership is demonstrated not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use.
- Paragraph 134 “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing optimum viable use”.

- Paragraph 135 “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm loss and the significance of the heritage asset”.

Other Guidance/Relevant Matters

The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3 (GPA) (2015): the GPA provides information to assist in implementing the policies in the NPPF and the NPPG in relation to the setting of heritage assets.

Kent Design Guide

Kingsdown Conservation Appraisal approved October 2015.

Relevant Planning History

PE/15/00051 – Pre-application advice has been given and sets out that it was unlikely that development would be acceptable in this location due to the sensitive location of the site and works proposed to trees.

Consultee and Third Party Responses

Parish Council: Raises no objection.

Heritage Officer: the scale and bulk of the proposal would result in an overbearing massing on the site that would significantly impact on views into and out of the conservation area. The trees within the site should be retained as they provide a screen for the church which is a non-designated heritage asset. Trees are ever present and make a significant contribution to the setting of the Conservation Area. They frame views, terminate vistas and generally add to the quality and character of the environment.

Arboriculture and Horticulture Officer: There does appear to be sufficient coverage by the trees on the borders of the property with St Monica’s Road. The concern is the removal of T33 despite being categorised by the Arboriculturalist as B2. It seems slightly unnecessary considering that the turning area is very large. The schedule does note that the tree does have some major defects, but I was unable to inspect it to clarify the severity of these defects. In addition to this T37 has been earmarked for removal, while these trees are not of the highest quality, it seems excessive to remove these trees for the sake of an abnormally large turning area.

Kent Public Rights of Way Officer : No objection; The public footpath passes alongside the rear to the proposed site and the application is for an erection of a dwelling within the site location boundary as highlighted, there is unlikely to be significant impact on the path and therefore no objections are raised.

Third Party Responses:

Local residents; 19 letters of support have been received and one neutral comment.

- The cottage stands in extensive grounds in the heart of Kingsdown; a single property in its grounds is the best option for St Monica’s road and the neighbourhood;
- Conversely a developer demolishing The Cottage and building multiple properties along this road would be a nightmare alternative;
- The design of the house is sympathetic to the neighbourhood and very much in keeping with the prevailing arts and crafts architecture;

- I appreciate the strict planning requirements and the sensitivity of the church building. However, I would urge the planning committee to express compassion. The disability of one of the applicants renders the layout of The Cottage unsuitable and impractical.
- The cottage has been the family home of the other applicant for 3 generations and therefore to refuse planning means they must move from a neighbourhood and village in which they have deep roots. They should not be forced to leave because we cannot find a solution that respects both planning and disabled.
- Final detailed approval should reflect the constraints of the privately owned road.
- Construction traffic will seriously damage the chalk and shingle surface and the road. It should be returned to its present good and condition on conclusion of the works.
- In the summer the existing water mains struggles to meet the demand and may need upgrading to accept a 23rd property.
- The adjacent properties are not on mains drainage and the plot has no fall to enable connection to the sewer in the road.
- The property should have sufficient off road parking for carers, health visitors and support vehicles.
- Bearing in mind the disability of one of the proposed occupants, the design will be of great benefit to him and the family.
- This is a high quality plan in keeping with most of the other properties in the road.
- There is plenty of room for a new dwelling on the site.
- As a neighbouring property I would be happier if the property was built nearer to its northern boundary so as not to encroach too much.
- The width of the roads as shown in the deeds is 11 metres not as stated in planning letters 5.5 metres. The road is from fence to fence. Over a passage of time chains have been erected to keep of the grass verges free from parking.
- The road is made of chalk, flints and shingle, not gravel as stated.
- The services have not been mentioned which will at some time disturb the road surface so will have to be reinstated at the builders expense.
- The low lying aspect and surrounding mature trees means that a tastefully designed new home would not impact on the adjacent properties or the church and would very much be in keeping with the natural layout and site lines of the road.
- The proposed development will add value to the area.

1. The Site and the Proposal

- 1.1 The site comprises the side garden belonging to The Cottage covering 0.15 hectares on the east side of St Monicas Road. The street scene is mixed in terms of its architectural make up. The Cottage, immediately to the north has strong arts and crafts design influence and is modest in size and scale. Little Close to the south is a two storey dwelling sited to the rear of the site close to the dividing boundary of the application site. This property benefits from a garage to the front of the site.
- 1.2 The Kingsdown Conservation area is adjacent to the site with St John's Church a non-designated heritage asset within 25 m of the application site. The site is within the Kingsdown confines.
- 1.3 St Monicas road is characterised by two distinctive areas. To the west of the road, the properties are considerably larger and are built within close proximity to each other. The eastern side of the road (where the application site lies) has a spatial character which is leafier in appearance and has a sense of openness. Running parallel along the eastern boundary of the site is footpath ER2.
- 1.4 St Monicas Road is an unadopted road which consists of chalk, flints and shingle surface finish.

- 1.5 The application site presently forms the side garden serving The Cottage. It is around 45m x 30m in size. The site is bounded by trees/hedges with a number of trees within the site (which will be required to be moved). The site level is lower than that of The Cottage. Bounding the site frontage onto St Monicas Road is a substantial hedgerow.

Proposed development

- 1.6 The proposed development comprises of a two storey dwelling with integral garage, new access and driveway and turning area to the front of the dwelling. The proposed dwelling would be located off centre of the application site 4 metres from the dividing boundary from Little Close and 12 metres from the dividing boundary with The Cottage.
- 1.7 The approximate dimensions of the dwelling proposed are:
- Depth – 14 metres.
 - Width – 14.5 metres.
 - Eaves height – 5.5 metres.
 - Ridge height – 8 metres.
- 1.8 The dwelling would be laid out with a physiotherapy room, snug, sitting room, dining room and kitchen on the ground floor. On the first floor 4 bedrooms, (two of which have ensembles), the master bedroom has an assisted ensuite and balcony and an internal lift.
- 1.9 The dwelling would be constructed of brick and would have various pitched and hipped roof features, jettied side window at first floor, balcony to first floor rear elevation and an integral garage.
- 1.10 Suggested materials incorporate painted render, red brick and tile hanging walls, red plain tiles for the roof, upvc windows and doors.

2. Main Issues

- 2.1 The main issues in the consideration of this application are;

- The principle of a new dwelling in this location.
- Heritage.
- Design/appearance and street scene.
- The impact on residential amenity.
- Highway safety and traffic impact.

2.2 Assessment

Principle of Development.

- 2.3 The site is located within the Kingsdown settlement boundary and therefore the principle of the development has been established and complies with the aims of policy DM1 of the Dover District Council subject to the detail of the proposal.

3. Heritage

- 3.1 Conservation Areas are designated for their special historic or architectural interest. Under section 72 (1) of the Town and Country Planning (Listed Building and

Conservation Area) Act 1990 the Local Planning Authority has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

- 3.2 The NPPF makes it clear that the significance of a heritage asset derives not only from its physical presence but also from its setting. In determining an application which has an impact on the setting of a heritage asset, the significance of the heritage asset must therefore be taken into consideration.
- 3.3 Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to a heritage asset that the harm needs to be weighed against the public benefits of the proposal which includes securing its optimum viable use. Paragraph 135 refers to a judgement having to be made with regards to the effects either directly or non-directly on the scale of harm to a non-designated heritage asset, bearing in mind the significance of the asset.
- 3.4 The site is adjacent to the Kingsdown Conservation Area and separated from the open setting of St Johns Church by a narrow footpath. Both St Johns Church and the footpath are included within the conservation area boundary. The Church is identified in the Kingsdown Conservation Area Appraisal as a building of local importance and is considered to be a non-designated heritage asset as defined by the NPPF. The abundance of large trees which define the boundary of the Church are specifically noted in the appraisal as contributing to the rural character of this part of the conservation area.
- 3.5 Views into and out of the Conservation Area are afforded from St Monicas Road and the graveyard of St Johns Church; the site can be appreciated as an undeveloped open space which contributes to rural setting of the conservation area. The proposed development would, by bridging the gap between two existing dwellings, reduce the open character of the site and the built form would impose upon and harm the setting of the conservation area.
- 3.6 Whilst the circumstances of the applicant are borne in mind, on balance in this case due to the cumulative impact and effects of the development, which includes the loss of a significant amount of hedgerow and tree cover and the scale and form of the building and associated engineering work, it is considered that the harm caused is great enough to outweigh the principle of development, on this site in this location. There is no wider public benefit to the development proposals.

4. Design/Appearance and street scene

- 4.1 The design characteristics of dwellings in St Monicas Road are of a diverse architectural mix.
- 4.2 There is a difference in the character of dwelling types and spatial characteristics between both sides of the road. Dwellings on the west of St Monicas Road are generally larger dwellings and set into smaller plots. The space between the dwellings and the rear gardens tend to be much more consolidated. The sizes of the dwellings on the eastern side of St Monicas Road are modest on generous size plots. The visual appearance of this side of the road is more open with a leafy, canopied character.
- 4.3 The application site is characterised by a number of trees and an established hedgerow. The applicant is proposing to remove 16 trees to provide the space for the footprint of the dwellinghouse to be built. The applicant is proposing to remove a

walnut tree (the schedule does note this tree has some defects) and a silver birch tree. Planning Committee will note the views of the Arboricultural Officer that whilst these trees may not be of the highest quality, it seems excessive to remove these trees for the sake of an abnormally large turning area. It is the case that replacement or additional tree planting could be sought. However such an established form of tree cover and the mitigating effect of such planting would take a significant number of years to establish.

- 4.4 The proposed development would fill in the open space between The Cottage to the north and Little Close to the south. The new dwelling, due to its size, scale and form would be highly visible from the footpath running parallel to the rear boundary of the site and to and from the views of the conservation area.
- 4.5 There are concerns with regards to the design features and characteristics of the proposed building, which have resulted in a rather complicated appearance. The proposed dwelling is of a substantial size and due to its appearance; form and scale, along with the associated engineering works and hedge and tree removal would expose the site.
- 4.6 In conclusion it is not considered that the development proposals would sit well in this location and would be an intrusive form of development, causing harm to the visual quality and character of the street scene.

5. Impact on residential amenity

- 5.1 Outlook. There are concerns over the position of the rear elevation of the proposed dwelling within 5 metres of the adjacent property known as Little Close. However, this property benefits from a large side and front garden, with an established boundary treatment and therefore the potential impact is considered to be acceptable.
- 5.2 Overshadowing. Given the orientation of the proposed dwelling, it is unlikely the proposal would cause any form of overshadowing to either of the adjacent properties.
- 5.3 Overlooking. There is a concern over the balcony to the rear of the property; this could allow the occupiers of the proposed dwelling to stand on the balcony, which would result in overlooking of the private amenities enjoyed by the occupiers of the adjacent dwellings. However, a condition could be imposed for the applicant to provide an obscure screen to overcome these concerns.

6. Highways

- 6.1 The proposed development is for one dwelling on an unadopted road. Accordingly it falls outside of the Kent Highway consultation protocol.
- 6.2 Parking provision. The dwelling proposes three car parking spaces and a garage, which is above the minimum required for parking provision as set by policy DM13 of the Core Strategy. The proposed parking provision is therefore considered acceptable.
- 6.3 To achieve the appropriate vehicular access vision splays the sight lines would normally be 25 metres each way. However, this cannot be achieved on land within the applicant's control. Given the position of the proposed access the applicant is only able to achieve three metres one way on land within the applicants ownership. Concerns however can be balanced against the fact that this is an unadopted road,

which due to its nature (as a dead-end with access only) and construction with loose material finish, where speeds would be very limited.

7. Other Matters

7.1 Whilst the Council is sympathetic to the needs of the applicant there are limited details in respect of why this specific size house and design is required to accommodate the applicant's needs. The agent has stated "the floor plans have been designed to suit the needs of the applicant, who due to a medical accident, is paraplegic and a wheelchair user. This requires circulation spaces to be wider than those set out in Part M of the Building Regulations".

7.2 The applicant owns the adjacent property The Cottage which benefits from a swimming pool. From the pre-application advice it is understood this pool is required for the needs of the applicant. It is not clear from any information provided whether or not a suitable annex extension to the existing cottage has been explored. This type of accommodation may have less of a harmful impact on the setting of the conservation area and street scene, subject to a suitable design and scale.

5. Conclusion

5.1 Due regard has been taken in respect of the application site being within the confines. The NPPF sets out that there is a presumption in favour of sustainable development. However this means that all sustainable matters – in respect of economic effects, social and environmental impacts have to be considered together. However, there are matters of concern with regards to the suitability of the scheme in this location with regards to the effects and impacts on the setting and character of the adjacent Conservation Area and non-designated heritage asset as well as the wider street scene. On balance the development proposals are considered unacceptable due to the cumulative effects of the development and the scale and form of the development, which would be visually harmful to the environmental quality, character and appearance of the street scene and the adjacent Kingsdown conservation area and non-designated heritage asset at St Johns Church.

g) Recommendation

PERMISSION BE REFUSED for the following reason; i) The development, if permitted, would, if, by virtue of its appearance, scale, form, massing and the accompanying engineering works, including removal of trees and hedgerow result in a form of development that would be out of keeping with the existing visual and spatial character and quality of the area and would be harmful to the character and appearance of the street scene, the adjacent conservation area and the non-designated asset, contrary to the aims and objectives of the NPPF, in particular paragraphs 17, 56, 60, 63, 64, 126, 129, 131, 132, 133, 134 and 135.

Case Officer
Karen Evans