

a) **DOV/16/00339 – Retrospective application for the erection of a shed at Greenwood Slip, Slip Lane, Alkham**

Reason for Report: Referred to Committee at the request of a Member

b) **Summary of Recommendation**

Planning permission be granted

c) **Planning Policy and Guidance**

Dover District Core Strategy 2010

- DM1 supports development within the built confines

National Planning Policy Framework (NPPF)

- Paragraph 7 – the three roles of sustainable development
- Paragraph 56 – good design as a key aspect of sustainable development
- Paragraph 115 – great weight to be given to conserving the landscape in AONB
- Paragraphs 132 – 134 – responsibilities of a LPA in determining applications which affect a heritage asset.

d) **Relevant Planning History**

Enforcement Case: ALK/16/00047 – Unauthorised erection of a shed to the front of the dwelling

e) **Consultees and Third Party Responses**

- Alkham Parish Council

Alkham Parish Council object to erection of the structure in a Conservation Area and that the design is inconsistent with the appearance of the house. The Parish Council have also been made aware of further issues that require further investigation by DDC Planning Dept. Please see the following points:-

- 1) The 'shed' is alleged to be an office for commercial use (rather than for storing garden equipment which a shed would typically be used for).
- 2) Strong possibility that there should have been a 'change of use' on the land from domestic to commercial, if the structure is being used for commercial reasons.
- 3) Concerns over an increase in traffic.

- Public Representations:

2 letters of objection have been received; the comments are summarized as follows:

- The property is within a conservation area
- Slip Lane is residential and it is inappropriate to have a structure in the front garden forward of the main elevation
- Could be used as an office; inappropriate location/area for a commercial office with staff and customer traffic

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

- 1.1 The property is a detached dwelling located along Slip Lane on the north side of the road within the village confines of Alkham. It is a two storey dwelling set behind a large front garden with a mixture of mature and newly planted vegetation screening the property from the road. It is within the AONB and the Alkham conservation area
- 1.2 The owners have constructed an outbuilding in the front garden, to the east corner of the front façade. It is currently in use as a home gym. The proposal is to retain this structure in its current location.
- 1.3 The outbuilding has been constructed in cedar and finished to match the window surrounds of the host dwelling (light brown colour). It is a small structure of 5 metres by 3.1 metres. It is not fixed to the ground but has been insulated and supplied with electricity.

2. Main Issues

- Principle of Development
- Impact on the visual amenity of the area and the AONB
- Impact on the residential amenity of the area
- Impact on heritage assets

3. Assessment

Principle of Development

- 3.1 Greenwood Slip is located within the confines of the village of Alkham as defined by CP1 of the Core Strategy. The development would therefore accord with DM1 of the Core Strategy and the principle of development in this location can be accepted.

Impact on the visual amenity of the area and the AONB

- 3.2 Although forward of the dwelling, the visual impact of this structure is minimal given the vegetation both adjacent to the outbuilding and the existing and proposed vegetation alongside the laneway. It does not appear intrusive when looking at the property from the road nor is it an unusual feature in the streetscene where there are a number of other structures forward of the principal façade.
- 3.3 The property is located within the Kent Downs AONB and great weight must be given to the preservation of the character of the area. The proposal building is small, low key structure. It does not have an impact on the character of the wider or immediate AONB or in any distant views. Its impact on the character and appearance of the Alkham conservation area is discussed below in 3.6 – 3.8.

Impact on the residential amenity of the area

- 3.4 There is a sufficient distance between the building and the neighbouring property (Finsa) so as to not cause any undue harm to residential amenity in terms of light, overshadowing or sense of enclosure. There are no window openings on to the boundary side of the proposed outbuilding so there would be no increase in overlooking or loss of privacy.
- 3.5 Objectors have commented that it 'could' be used as an office for the owners' business; a commercial use in an otherwise residential area. The proposed use is as an ancillary space to the main dwelling and that is what must be considered. An ancillary use is a smaller/secondary use that takes place within a dwelling such as a gym, home office, games room, etc. It would be possible to add an informative to any permission which would confirm the need to seek advice from the Local Planning Authority should this situation change in the future.

Impact on Heritage

- 3.6 The NPPF, in section 12, outlines the requirements when dealing with development within a conservation area. Specifically, it is looking at paragraph 72 of the Planning (Listed Building and Conservation Area) Act 1990 and how it is to be interpreted and applied.
- 3.7 Paragraph 132 of the NPPF states that, 'When considering the impact of a proposed development on the significance of a designated heritage asset [such as a conservation area or listed building], great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be'. It also states that 'As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'.
- 3.8 Under paragraphs 133 and 134 of the NPPF, there is a need to make a judgement as to whether the harm would amount to substantial or less than substantial harm. Advice on making this judgement is given in the National Planning Practice Guide (NPPG). In this instance it is considered that there would be no harm material harm to the character and appearance of the conservation area given that the structure is of a high quality, both in material and design, and is subordinate to the host property. The impact would be neutral.

Conclusions

- 3.9 It is considered that the outbuilding would not have a negative impact on the visual amenity of the area or cause harm to the character and appearance of the conservation area or the character of the AONB.
- 3.10 It is considered that the outbuilding would not have a negative impact on the residential amenity of the adjacent dwellings given the ancillary use proposed for the structure.
- 3.11 Given this, there would seem to be no overriding material planning grounds which would justify a refusal. On balance, it is therefore concluded that planning permission should be granted.

g) Recommendation

- I Planning Permission BE GRANTED.

- II An informative be attached to advise the applicant that the use of the building is for purposes ancillary to the enjoyment of the dwellinghouse only.
- III 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

Andrew Wallace