

- a) **DOV/16/00365 – Erection of a detached dwelling and vehicular access, Dene Cottage, Meadow View Road, Shepherdswell**

Reason for report: Member call-in

- b) **Summary of Recommendation**

Planning Permission be Refused

- c) **Planning Policy and Guidance**

Development Plan

The development plan for the purposes of s38 (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 newly adopted Land Allocations Local Plan. 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:

Core Strategy (CS) Policies

- Policy CP1 (Settlement Hierarchy) identifies a hierarchy of centers within Dover District. Dover is placed atop the settlement hierarchy (Secondary Regional Centre) and Shepherdswell is identified as a Local Centre which is to be 'the secondary focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to its home and adjacent communities. Planning decisions should seek to maintain the settlement hierarchy.
- In order to help operate the settlement hierarchy through the development management process Policy DM1 (Settlement Boundaries) proposes settlement boundaries for planning purposes and sets out how these will be used to help judge the acceptability of individual development proposals. Development outside settlement confines will not be permitted, unless specifically justified by other development plan policies.
- Policy DM13 (Parking Provision) Determining parking solutions should be a design-led process based on the characteristics of the site, the locality, the nature of the proposed development and its design objectives.
- Policy DM15 (Protection of the Countryside) Although the proposed dwelling is within confines, the site straddles confines and countryside beyond and DM15 applies.

Dover District Local Plan (DDLPL) None applicable

Land Allocations Local Plan (LALP) – None applicable

National Planning Policy Framework (NPPF) & National Planning Policy Guidance (NPPG)

At a national level, the NPPF sets out the Government's planning policies for England and how these are expected to be applied. In the introduction, the Government sets out that the NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning applications. With its adoption in March 2012, it replaced all previous national planning policy statements with immediate effect. Therefore, it should have significant weight in the consideration of any planning application.

The NPPF articulates an overriding presumption in favor of sustainable development which should be seen as a 'golden thread' running through both plan-making and decision taking. There are three dimensions to sustainable development: economic, social and environmental. For decision making this means approving development that accords with the Development Plan without delay; and where the development plan is absent or silent or relevant policies are out-of-date granting planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the NPPF indicate development should be restricted (para 14).

National Planning Policy Framework (NPPF)

Chapter 7 – Requiring good design (Paragraphs 56 -68)

- Seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. A core principle is to always seek to secure high quality design and a good standard of amenity.
- Decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.
- Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness.
- 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.
- 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; 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 and support thriving rural communities within it; 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.

National Planning Practice Guidance (NPPG)

- On 6th March 2014 the Department for Communities and Local Government launched a planning practice guidance web-based resource. This contains a number of sections to enable users of the planning system to obtain information in a useable and accessible way. It is a material consideration when making decisions as it replaces the previous planning guidance documents which are now cancelled

Other Material Considerations

- Kent Design Guide – sets out examples of good design across a broad spectrum of development types and identifies a number of guiding principles.

d) **Relevant Planning History**

PE/15/00062 – Erection of two storey detached dwelling – Advice given (in summary) – problems identified with regards to design, scale and whether the site could accommodate.

e) **Consultee and Third Party Responses**

Shepherdswell Parish Council – Insufficient information to make a clear judgement although it appeared that the proposal could lead to an over-development of the site. Further comments received stating no objection provided that as a condition of approval by DDC Planning a timescale to demolish the existing bungalow be agreed.

KCC Footpaths – As the development is directly adjacent to the footpath, no furniture may be erected on or across the PROW without consent, there must be no disturbance of the surface of the PROW or obstruction of its use, wither during or following any approved development, no hedging or shrubs should be planted within 1.5m of the edge of the public path and where the proposed drive is to be, it may be beneficial to look at the Kent Design Guide Section 4 covering visibility, where the access onto Meadow View Road occurs so as far as reasonably practicable prevent any risk to users of the PROW.

County Archaeologist – No response received

Ecology Officer – A reptile survey will be required

Trees and High Hedges Officer – Satisfied, provided that the RPA's of the retained trees are protected appropriately

Public Representations: One letter of objection has been received and their comments are summarised as follows:

- Application states there is 1 existing off road parking space at Dene Cottage, this is clearly not the case
- Currently no driveway or vehicle access to Meadow View Road
- Concern regarding the type and amount of vehicles proposing to use the new property, which include a mini-bus
- Would need a large turning area, so that vehicles did not have to reverse up Meadow View Road and across the North Downs Way
- Detrimental to the value of neighbouring property
- Gross overdevelopment of the site and would have a severe impact on property
- Surrounding properties are 3-4 bedrooms and this development would have a visual impact and implications for the surrounding area and the occupants
- Proposed plan would appear to show development of previous agricultural land for the construction of a masonry wall and patio area

Three letters of support have been received and the comments are summarised as follows:

- Design of the proposed building is in keeping with the surrounding properties
- Proposed development will enhance the area
- Chalet bungalow reflects those properties around it and would blend into the existing environment with minimal impact as well as meeting parking and highway requirements
- Thoughtful and forward thinking design and layout would provide a suitable home for a family with specific needs, in close proximity to their elderly parents
- Immediate neighbouring property had a similar application approved in 2002
- Application would mean a village couple and their family would be staying in the village which is much needed
- Would be next door to elderly parents who are in need of more help at this time
- Would be pleased to see the property built

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

1.1 The site relates to land to the south of Dene Cottage. There is residential development to the west and a small number of dwellings to the north. To the east and south of the site are open fields, which are in use for either agriculture, keeping of horses or have been

incorporated over time into the residential gardens of the occupants of Meadow View Road.

- 1.2 The land form varies but rises slightly from west to east. The application site comprises the south western half of a semi-detached pair of bungalows set in a garden area, with a larger area of land that is being used as residential garden to the rear. The semi-detached pair are of a pre-fabricated construction. This extended garden currently has some play equipment on it.
- 1.3 The site is bounded along Meadow View Road to the west by hedging and has an existing informal access into the garden. There is a large tree to the south of the site, which is shown to be retained along with the existing frontage tree and hedge screening. There is no off road parking.
- 1.4 Planning permission is sought for the erection of a detached dwelling and creation of vehicular access and parking area in the side garden of Dene Cottage. The existing bungalow is shown to be retained. The proposed dwelling would have four equal sized bedrooms at first floor, with a downstairs bedroom and bathroom also being provided. The dwelling has been designed at ground floor level to be fully accessible in order to provide accommodation to meet the needs of the applicant's son. This has resulted in a part two storey part single storey dwelling with dormer windows to the front and rear. The building would measure 14.7m by 8.5m at ground floor with the single storey element having an eaves height of 2.5m and a ridge height of 5.8m and 10.6m by 8.5m at first floor, with an eaves height of 3.2m and an overall height to the ridge of 8.1m. The single storey side element is shown to have a pitched roof which does not match that of the pitch proposed to the two storey element. It is proposed to construct the dwelling in brick with fibre cement slates and white Upvc fenestration. Two parking spaces are shown to the front of the dwelling.
- 1.5 *Plans will be on display*

2. **Main Issues**

- 2.1 The main issues for consideration are:
 - principle of development
 - design and impact of the development on the street scene and surrounding area
 - impact of the development on the neighbouring properties
 - highways

3 **Assessment**

Principle

- 3.1 Most of the development site is located within the village confines and within an existing residential area although at the edge of confines. The confine line runs immediately adjacent to the rear boundary of the garden to Dene Cottage. The current use of the site is as residential garden in connection with Dene Cottage. The site where the dwelling

would be located is therefore not considered to be previously developed land.

- 3.2 The agricultural land beyond the lawful garden area, which has been included in the red line, is considered to be within the countryside. An element of the proposed operational development (namely the patio and retaining wall) is also shown to be within land beyond the lawful garden.
- 3.3 The dwelling would be located within the urban confines where development is generally considered to be acceptable although a large part of the garden area would be beyond confines, the use of the land where the dwelling would be sited would be in accordance with Policy DM1 of the Core Strategy.

Design and impact of the development on the street scene and surrounding area

- 3.4 The proposed dwelling has been largely designed to provide the required space required for the applicant's family and in particular to meet the needs of the applicants son. Views of the dwelling would be achievable from the street and also from the public footpath, which runs immediately to the front of the site. The agent had been asked to amend the design to simplify it and reduce the scale, specifically in terms of its overall height. However, the proposal remains as submitted and is a substantial dwelling. The ridge height of the dwelling is proposed to be 8.2m high with an eaves height of 3.2m, this would result in a roofscape which would account for 5m of the buildings overall height or approximately 60%. The scale and proportions of the dwelling are such that it would appear top heavy and incongruous especially when seen in the context of its immediate neighbouring dwellings which are single storey. The result of the design is a property which has the height and scale of a two-storey house.
- 3.5 With regards to the detailing, the design features windows at ground floor which appear out of proportion with the scale of the building. In addition to this the single storey element which is proposed to the south side elevation where the pitch of the roof is read immediately against the pitch of the main part, has been designed with a different pitch. This leads to an awkward design feature to the side elevation in particular and further detracts from the overall appearance of the property. The proposed detailing of the property is considered to be unacceptable and when combined with its overall bulk and scale would appear as an intrusive feature along Meadow View Road.
- 3.6 The layout and form of the development proposed appears to be out of context with its immediate surroundings, given that the properties in Meadow View Road are predominately set within generous gardens. This property would be at odds with the existing urban grain of the adjacent development, which is one of spacious gardens and a loose knit character, given the sites location on the edge of the village where development naturally becomes more sporadic and open. The result of this is that the development proposed would represent an overdevelopment of the existing plot. The dwelling in terms of its

design, appearance and layout is not reflective of the surrounding development and would therefore appear incongruous and overlarge.

- 3.7 There is no justification for the resultant appearance and form of the building in design terms. Although it is accepted that the ground floor accommodation needs to be suitable to meet the needs of a person with a disability. The design solution, particularly in an edge of village location, where it is visible from a public footpath adjacent to the site is considered unacceptable.
- 3.8 Although not within the “countryside” the site is on the edge of the village. Due to the comparative size and scale of the new dwelling, it would be readily visible as an intrusive feature in this edge of village location. In addition, the proposal includes a significant area of land that was previously agricultural land. Although, due to its location on the edge of the village, the proposal could in part be considered to be sustainable, however the scale and appearance of the development would cause harm to the visual qualities of the area.

Impact on neighbours

- 3.9 The proposed dwelling would be set within close proximity to the dividing boundary with the existing property (Dene Cottage). The first floor front facing windows would have a view towards part of the rear of the neighbouring property (Dene Cottage) albeit at a slightly oblique angle, where there is a distance of around 9m.
- 3.10 Whilst Dene Cottage is owned by the applicants, due consideration must still be given to the potential harm which overlooking could cause. In this instance it is considered that the proposed dwelling would be likely to result in unacceptable harm to the occupiers of Dene Cottage through over/interlooking.
- 3.11 There is also concern over outlook from Dene Cottage, from their rear windows. However, as the new dwelling would be slightly off set from their immediate rear it is not considered that there would be undue harm in this respect.
- 3.12 In addition to this the proximity of the proposed dwelling to the dividing boundary and its overall height and orientation to the south of Dene Cottage and its garden, it would be likely to result in unacceptable levels of overshadowing and loss of sun/daylight to the detriment of the occupiers of Dene Cottage. Furthermore, given the height of the proposed property in relation to the existing bungalow on site there is likely to be significant overbearing and enclosing impacts particularly on the garden area which would detract from the living conditions of the occupants of Dene Cottage both internally and also in their private residential amenity area given the proposed siting of the property.
- 3.13 It is considered, in view of the above the proposed dwelling would result in harm to the adjoining occupants of Dene Cottage as a result of its design, siting, massing and scale and the potential for overlooking/interlooking.

Highways

- 3.14 The proposed dwelling would provide a new vehicular access and two off-road parking spaces to the front of the proposed dwelling. Policy DM13 requires the provision of two independently accessible spaces per unit. It is therefore considered that the proposal complies with parking requirements and is acceptable in parking terms.
- 3.15 There is no formal parking arrangement at present for Dene Cottage, parking takes place in the lane to the front. The submitted plans do not show any to be provided for Dene Cottage.
- 3.16 Concerns have been raised over highway safety and the ability of the property to access Meadow View Road. As a result of a change in protocol KCC Highways are no longer consulted on applications of this type. Whilst concerns of local residents are noted, given that the dwelling would result in a small increase in vehicular movements to and from the site and conditions could be placed on any decision to ensure visibility splays are provided it is not considered that a refusal could be substantiated on highway safety grounds.

Other Matters

The Ecology Officer has commented that a reptile survey will be required if planning permission is granted.

Conclusion

It is acknowledged that the development is proposed to provide housing for a family with a specific need in respect of the size and layout of the ground floor accommodation in particular which has been proposed. However, this has to be balanced against the harm that would result given the rural location of the site, the prevailing form of development in the area and the overall size, scale, bulk and design of the proposed property.

Following a meeting with the agent to discuss these concerns, without prejudice it was suggested that the ridge height and the scale and proportions of the building be reduced. It was also suggested that the existing bungalow should be demolished to relieve the cramped nature of the site. However, the applicant has declined to amend the scheme. Therefore, the proposal, despite the personal circumstances of the applicant is considered to be unacceptable.

The reasoning behind the need for accommodation, particularly at ground floor, to meet the needs of the applicant's family is accepted. However, it is likely that an alternative and more sympathetic design solution could be arrived at, which would meet the applicants needs and satisfy good design requirements. In this case, the proposals are considered unacceptable for the reasons set out above and planning permission should be refused.

In respect of the Public Sector Equality Duty under the Equality Act, the recommendation is not considered to disproportionately affect any particular group.

g)

Recommendation

- I PERMISSION BE REFUSED, for the following reason: (i) The proposed development by virtue of its size, scale, bulk and design would result in an incongruous, intrusive and cramped form of development, which would cause harm to the character and appearance of the street scene, contrary to the aims of the NPPF paragraphs 17, 56, 57, 61 and 64 and out of context and character with neighbouring development and adjacent countryside contrary to the Kent Design Guide (ii) The proposed dwelling by virtue of its siting, scale and fenestration arrangements would result in an overbearing, enclosing form of development to Dene Cottage which would result in an unacceptable level of overlooking and interlooking contrary to the aims of and objectives of the NPPF paragraphs 17, 56 and 64 and contrary to the Kent Design Guide.

Case Officer

Kerri Bland