

- a) **DOV/15/01293 – Erection of detached house with associated vehicular access - Land adjacent to St Martins, Northbourne Road, Great Mongeham**

Reason for report – the number of third party contrary representations.

- b) **Summary of Recommendation**

Planning permission be Refused.

- c) **Planning Policy and Guidance**

Development Plan

The development plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act (2004) comprises the Dover District Council Core Strategy 2010, the saved policies from the Dover District Local Plan 2002, and the Land Allocations Local Plan (2015). Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise.

In addition to the policies of the development plan there are a number of other policies and standards which are material to the determination of planning applications including the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) together with other local guidance.

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

CP1 – Settlement hierarchy.

DM1 – Settlement boundaries.

DM13 – Parking provision.

Saved Dover District Local Plan (2002) policies

None applicable.

Dover District Land Allocations Local Plan (2015)

None applicable.

National Planning Policy Framework (NPPF)(2012)

“17. Core planning principles... planning should...

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives...
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings...”

“56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is

indivisible from good planning, and should contribute positively to making places better for people...”

“57. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings...”

“60. 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.”

“61. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address... the integration of new development into the natural (and) built... environment.

Other considerations

Kent Design Guide

P59 – Designing in context.

P92 – Privacy.

Supplementary Guidance – Visibility (Interim Guidance Note 2).

d) **Relevant Planning History**

DOV/04/00548 – Erection of a single storey conservatory extension to side and rear – **GRANTED**.

e) **Consultee and Third Party Responses**

DDC Trees

No concern relating to TPO tree but would suggest condition to protect trees during development.

KCC Highways

- No objection subject to provision of near side visibility splay, which is noted as being shown on the site plan, although it is noted that this would require land which appears to be outside of the applicant's control.
- No obstructions above 1 metre within the visibility splay.
- Seeks CMP condition.
- Bound surface for first five metres from the access.
- Condition regarding driveway gradient.

KCC Archaeology – Given the archaeological potential of the area it is possible that the proposed development will impact remains of significant archaeological interest – **no objection**, subject to condition relating to archaeological field evaluation works.

Great Mongeham Parish Council – **no objections**, notes TPO tree on (adjacent) to site.

Public representations – Object x 6; Support x 8

Reasons for objections

- Highways concerns.
- Does not accord with Great Mongeham Design Statement.
- Design not in keeping with neighbouring area – scale, materials.
- Covenant on land restricts development.
- Overlooking/privacy issues.
- Overlarge and overbearing.
- Proposed/existing land levels.
- Effect on TPO.
- Ground stability issues.
- Flooding concerns.
- Loss of light.

Reasons for support

- Modern materials and design, which is high quality.
- Flooding issues would be improved by development with soakaways etc.
- Site access will be improved.
- Enhance area of garden which is unused.
- Would not impact views as there are many in the area.
- Better in garden than on farm land.
- Land proposed with dwelling is more than is typical on new build developments.
- No loss of light to Mongeham Lodge due to pre-existing tree screening.

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

The site

- 1.1 The site is semi-rural, located in Great Mongeham, within the settlement boundary. It the side garden to the existing residential property, St Martins, which is situated on the north- west side of Northbourne Road. The site extends from Northbourne Road to the rear garden boundary, which coincides with the settlement boundary. Beyond the site to the north-west is open countryside comprised of arable farm land.
- 1.2 The character of the area is that of a village edge in appearance and setting, and as a transitional area between built confines and the countryside. Dwellings are large and have large garden areas – which are commensurate with the scale and size of dwellings. The overarching environmental character is open, spacious and leafy, and opens out north of the site to open countryside.
- 1.3 Northbourne Road forms the main route between Deal/Sholden and Great Mongeham/Northbourne/Little Mongeham.
- 1.4 The site rises from Northbourne Road to the north-west. The road fronting boundary (south east) is delineated by an existing evergreen tree screen, which is somewhat unkempt. The rear field facing boundary (north-west) is delineated by an existing, deciduous, hedge/tree screen in excess of 3.5 metres in height.
- 1.5 No boundary treatment currently exists between the site and the remainder of

the St Martins garden.

- 1.6 North east of the site is the residential property Mongeham Lodge. Mongeham Lodge is a one and a half storey, with rooms in the roof, dwelling dating from before the 1870s. Mongeham Lodge has two first floor, gable end windows facing the application site, in addition to windows at ground floor level. The boundary with Mongeham Lodge is delineated by a hedge between 2 and 2.8 metres tall (the ground level of the application site being higher than that of Mongeham Lodge).
- 1.7 Opposite the site on the south east side of Northbourne Road is a residential road, Ashton Close, which serves four dwellings.
- 1.8 North west of the site is footpath ED49. North of the site is footpath ED51.
- 1.9 Site dimensions, approximately, are:
- Depth – 57 metres.
 - Width – 28.25 metres (front), 19 metres (rear).
- 1.10 A number of trees are located on site. Adjacent to the site within the boundary of Mongeham Lodge is a TPO protected tree.

Proposed development

- 1.11 The proposal is to erect a two storey dwelling, with a modern design appearance. The dwelling would have a linked double garage with ground and a half floor accommodation situated above. The dwelling would be located between the existing dwellings St Martins and Mongeham Lodge, but closer to Mongeham Lodge.
- 1.12 A new access is proposed to be taken from Northbourne Road adjacent to existing St Martins access. The proposed drive would be cut into the land level, with the proposed garage and access to it partially excavated. Some of the front boundary tree cover would be removed to enable access and some visibility on to the road.
- 1.13 The proposed dwelling would have five bedrooms, four at first floor level, and one above the garage. It would incorporate a forward (south east) and side (north east, towards Mongeham Lodge) facing two storey glazed window, serving the master bedroom (first floor) and the living room (ground floor). The north east facing element of the window is proposed to be 50% obscure glazed. The south east elevation above the garage access would incorporate openable glazing with a balustrade.
- 1.14 To the rear (north west) of the dwelling is a raised access with balustrade, leading down steps into the rear garden.
- 1.15 At the road frontage (south east boundary) of the site, the red line incorporates an area south west of the main site, over which would be the frontage of St Martins after site division. This land is proposed to be used to maintain a visibility splay for vehicles exiting the site to be able to see near side traffic. The area within the red line is approximately 30 metres in length.
- 1.16 Details of boundary treatments are not included.
- 1.17 Proposed dimensions are:

- Depth – 13.2 metres.
- Width – 17.2 metres.
- Eaves height – 5.1 metres (main section).
- Ridge height – 7.6 metres (main section), 7.4 metres (garage).
- Set back from Northbourne Road – 32.5 metres.
- Distance to rear boundary – 12 metres.
- Distance to Mongeham Lodge – 6 metres.
- Distance to St Martins – 7.5 metres.
- Garage excavation from ground floor level – 1.4 metres.

2. Main Issues

- 2.1 The main issues to consider are:
- Principle of development.
 - Design and impact on the street scene
 - Residential amenity.
 - Trees.
 - Highways and traffic impact.
 - Other matters

3. Assessment

Principle of development

- 3.1 The proposed development is located within the Great Mongeham confines where development is normally permitted and subject to its details is acceptable in principle.

Design and impact on the street scene

- 3.2 The design and appearance of the new dwelling, particularly from the front elevation, due to its complicated elevational treatment and roof forms gives the impression and appearance of a building that is not cohesive in terms of its features. The complexity and variety of window types, roof heights, variation in ground levels and articulation over-complicates the building in this setting. The building would be exposed to the street, due to the removal of front boundary treatment, which would enable comparisons with the other more 'simple' forms of development nearby and make obvious the confusing architectural language of the design and form of the building.
- 3.3 The proposed dwelling is two storeys in height, yet the effect of the excavated garage, when read next to the main section of the dwelling is to increase the perceived height and massing of the building, such that its impact would appear greater and possibly up to three storeys tall. The garage section and accommodation above is not considered to link well with the main section of dwelling, and the fenestration detailing does not successfully read across. The stairwell appears as a discrete feature of the design, which from the front elevation is reminiscent of a commercial building. The relationship of roof ridges on the main section of the building is considered to exacerbate the bulk of the proposal.
- 3.4 The proposed dwelling is modern in appearance, incorporating modern materials and finishes. It has been noted that the neighbouring dwellings date from the 1930s (St Martins) and before the 1870s (Mongeham Lodge), and

therefore each has a more traditional appearance.

- 3.5 The concern is that in the vicinity of the site, the prevailing character of the dwellings one of a traditional appearance, by virtue of their age, or by virtue of their design (The Grange and Granary Lodge, south west of St Martins, each having been constructed in the early 2000s). The more traditional appearance of dwellings and buildings continues north east of Mongeham Lodge, with Lodge Cottage. Fair Meadow at the end of this row is a single storey dwelling constructed in the 1960s, which retains a simple form. Accordingly, it is considered that a dwelling with a strong modern appearance in this location would jar unacceptably with this traditional, semi-rural character and would appear alien.
- 3.6 The NPPF refers to the planning system not stifling innovation or imposing architectural styles. However, it also requires that it is proper to seek or reinforce local distinctiveness.
- 3.7 In this case, the design and form of the building does not sit well in respect of its relationship to adjoining development. It would appear as a discordant and alien form of development, which would not integrate well into this setting, and would appear as an intrusive and incongruous building.
- 3.8 There is screening immediately to the rear of the proposed dwelling, but this is not continued south west or north east, meaning that views would be available from the sides when approaching the site from either direction along the rear footpaths (ED49 and ED51). It is not considered that the rear elevation of the proposed dwelling would be a particularly attractive addition from this viewpoint by virtue of the fenestration proportions or the solid expanse of the rear wall, however, it is also not considered particularly harmful in this context.

3.9 Amendments

Further amendments to this proposal were sought to achieve a more successful design in context, however, the applicant did not agree to any formal submissions.

3.10 Residential amenity

The key impacts in terms of residential amenity relate to the existing residents at Mongeham Lodge.

3.11 Overlooking

The two storey glazing proposed on the front elevation features a section facing towards Mongeham Lodge. The applicant has proposed 50% obscure glazing at this location. The resident at Mongeham Lodge would prefer 100% obscurity i.e. with no light penetrating. 100% obscurity ultimately would negate the purpose of the glazing, however, with the surface area proposed, 50% obscurity could lead to a perception of overlooking. As proposed, this is considered an unduly harmful element of the proposal.

- 3.12 At the rear of the proposed dwelling is an elevated access to the over-garage living room. The access would in effect provide a balcony to the living room, with views achievable over the boundary hedge with Mongeham Lodge and into their private rear amenity space. This is also considered unduly harmful.

3.13 Overbearing

The proximity of the proposal to Mongeham Lodge at 6 metres is considered to be in close proximity. The applicant amended the originally submitted plans so that the impact is alleviated somewhat in terms of the mass facing the side elevation of Mongeham Lodge. The amended proposal is not considered to cause harm in terms of overbearing to the degree that it would warrant refusal in itself.

3.14 Loss of light

The resident at Mongeham Lodge is concerned about the loss of light to the side windows facing the application site, including to the ground floor kitchen window. The originally submitted proposals featured the larger part of the proposal nearer to Mongeham Lodge. The resident commissioned a shadow study which at that time showed shadows cast across his property particularly after 2pm in March and in November – the impact in summer months was less noticeable. The amended proposal has not been assessed from a shadow perspective. It is considered that there may still potential for a loss of light to the side elevation of Mongeham Lodge, but due to the amended dimensions, this will have been diminished to some degree.

3.15 Residential amenity conclusion

In terms of residential amenity the primary concerns relate to overlooking opportunities, both actual and perceived. Concerns about an overbearing impact and loss of light are of a concern, but the amended plans do diminish this concern. The proposal in its current form it is considered, would give rise to unacceptable impacts on the amenity of the residents at Mongeham Lodge.

3.16 Trees

A TPO protected tree is sited approximately 17.5 metres east south east of the proposed dwelling, adjacent to and within the boundary of Mongeham Lodge. The neighbour at Mongeham Lodge is concerned with any potential effect on the tree, however, the DDC tree officer does not share this concern and suggests that should permission be granted, a condition to protect the tree during construction would satisfy requirements. Accordingly, this aspect of the proposal is not considered to cause any concern.

- 3.17 A number of trees located where or adjacent to where the proposed dwelling would be constructed, within the application site, have been removed, or would be removed. While their loss is regrettable, these trees were not and are not protected in any way.

Highways and traffic impact

- 3.18 KCC Highways has indicated that the proposed arrangements regarding a near side (south west) visibility splay of 2 metres x 43 metres would be acceptable subject to land being secured for this purpose. However, the required would be on land outside the application site over which the applicant has no control. The provision of the visibility splay could not therefore be secured.
- 3.19 In any case, were the visibility splay achievable, it would require the regrading of the road fronting embankment and the loss of hedgerow. It is considered

that this would cause undue harm to the semi-rural appearance of the street scene and as such the access arrangements are considered unacceptable.

3.20 Car parking proposals are considered to be in accordance with policy.

3.21 Other matters

Ground levels

A concern was raised relating to an apparent discrepancy in the ground level as surveyed and as depicted in the street elevation. This has been addressed with an amended plan.

3.22 **Flooding**

Concerns have been raised in relation to flooding issues. The site is not in flood zones 2 or 3. Drainage would be dealt with through building regulations. This is not considered to be a concern.

3.23 **Ground stability**

Concerns have been raised relating to the stability of foundations at Mongeham, Lodge, should the development be permitted. This is not technically a planning matter and would be a matter for building regulations relating to foundation design and any necessary retaining walls required as part of works enabling the excavation of the garage.

3.24 **Covenant**

Some comments have raised an issue relating to a legal covenant prohibiting further development on this site. This is a matter for a solicitor with conveyancing experience and does not affect the suitability or otherwise of the proposal in planning terms.

Conclusion

3.24 The design as submitted is not considered to be acceptable in relation to the scale and form of the new building, which would result in an intrusive and incongruous form of development in this semi-rural/hamlet character area. It is recognised that the development would benefit from existing screening, yet the need to create an access would make it even more visible from the public highway.

3.25 The harm caused to residential amenity is considered undue, in particular that relating to overlooking.

3.26 In terms of highways, there is concern relating to the volume and speed of traffic at this location, on a bend in the road. The necessary visibility splay would cross land outside of the application site and could not therefore be secured.

3.27 Whilst it is recognised that there is a housing need deficit, it is essential that environmental quality is maintained through achieving high standard design which is responsive to the character and appearance of the natural and built environment. Regrettably, the removal of roadside tree cover to provide suitable access and visibility arrangements would only result in the

development becoming more visible in the street scene.

3.28 The proposed development is on balance considered unacceptable. Accordingly, the recommendation is to refuse the application.

g) **Recommendation**

- I. Planning permission be REFUSED, for the following reasons: (1) The proposed development, if permitted, by virtue of its design, scale and appearance, materials and finish, which would be visible from public vantage points, would appear alien in context of the surrounding forms of development in this semi-rural character area and this including the loss of hedgerow which would expose the site to the street would cause undue harm to the character, appearance and environmental quality of the street scene and be detrimental to visual amenity, contrary to the aims and objectives of the NPPF at paragraphs 17, 60 and 61 in particular and to the provisions of the Kent Design Guide at page 59 relating to design in context. (2) The proposed development, if permitted, by virtue of its siting, fenestration and balcony/access arrangements, would give rise to unacceptable overlooking and the perception of overlooking, causing unjustified harm to the residential amenity of neighbouring occupants at Mongeham Lodge, contrary to the aims and objectives of the NPPF at paragraphs 17 and 61 in particular and to the provisions of the Kent Design Guide at page 92, relating to privacy. (3) In the absence of sufficient information to demonstrate otherwise, it is not possible to determine, in the interests of highway safety, that the proposed access can achieve acceptable highway visibility standards in a manner that ensures the safe operation/use of the access on to Northbourne Road. Accordingly the proposal is contrary to the aims and objectives of the NPPF paragraphs 17 and 56 and contrary to the Kent Design Guide: Supplementary Guidance – Visibility (Interim Guidance Note 2).

Case Officer

Darren Bridgett