



Registered house builder

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V.A.T. Reg. 241 9152 21

TO ALL COUNCILLORS ON THE DDC PLANNING COMMITTEE

Dear Councillors,
RE: Planning Application DOV/16/00838 Conversion of 2 Flats into 2 Houses
24 & 24a Mill Hill Deal Kent. CT14 9EN

Please find enclosed documents including letters, photos, summing up as sent to Ward Councillors, agenda report with highlighted sections indicating our aims and basically that which we believe with your help will be the outcome and lastly the letter as received from Mr Dave Robinson (team leader of the planners) indicating strength of argument in regards to the overshadowing after 2 contradicting (to the planning assumptions) expert reports.

As you can see later in the letter Mr Robinson states that the planners are not happy with the garden area being enclosed so the fencing and gates were removed, the current objection though has completely changed as it states that the residents will now not have any privacy with open planned gardens. We have no objection one way or another to fence or not to fence.

I am sorry about the length of all of this reading but this proposal has been going on for 8 months generating so very much paperwork, time and expence.

I would like to state here that the aim of this application and indeed our first priority is to improve the basic accommodation for the tenants of these properties

Thank you for your time, I am very much looking forward to your decision

Regards
Tony Easton

NOTE: Please scroll down where necessary when viewing attachments

Easton Builders Ltd

From: Easton Builders <eastonbuilders@btinternet.com>
Sent: 13 October 2016 10:49
To: 'Easton Builders Ltd'
Subject: RE: Mill Hill Enquiries

-----Original Message-----

From: Dave Robinson [mailto:Dave.Robinson@DOVER.GOV.UK]
Sent: 04 July 2016 00:04
To: Anthony Easton <eastonbuilders@btinternet.com>
Subject: Mill Hill

Hi Tony,

I was in London on Friday longer than I expected, so I didn't get time to ring you back.

The application has been discussed. There is a degree of overshadowing but we wouldn't base our refusal on this issue. It would however form part of the discussion so we would consider it to be an issue be it minimal.

As we discussed, the cumulative impact of the loss of outlook, the lack of amenity space, the impact on the street scene by adding the additional means of enclosure would result in harm and it is unlikely we would be able to support the application.

You were expecting this, but it does show that the overshadowing is not a reason strong enough on its own. My recommendation now is to submit your application and try and cover all the issues raised above. Also, as many letters of support to trigger a referral to Committee.

Good luck

Regards

Dave

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Dear Sirs,

RE: Conversion of 2 Flats into 2 Houses. 24/24a Mill Hill Deal Kent CT14 9EN App No 16/00838

I refer to the above and would like to introduce myself as the applicant for this scheme and would very much like your views on the proposal.

I have built several hundred houses in Deal and other areas of Kent and am in fact the builder of the recently constructed houses in St James Close, currently seeking to demolish the erratic existing rear extensions to the property on the corner of both 22 Mill Hill and St James Close and rebuild with a consistent in-keeping single extension which will then allow for the total conversion of 2 rather ugly flats into 2 new modern homes thus finishing off this recent remarkable transformation of what was a rather run down part of Mill Hill, no disrespect intended here, (I am a Deal boy).

I myself or indeed Dover District Council themselves have yet to receive a single letter or comment opposing this application despite it twice being advertised in both the immediate vicinity and the East Kent Mercury and once being published in the EKM as a lead story, indeed I have had 100% support from all of the neighbours who have tired of this rather ugly outlook, but, and this is the big but, the planning officer has mysteriously stated she is going to oppose the scheme, she has though, due to the amount of support been forced to refer to committee (October) which is why I am keen to hopefully get your professional opinion/support.

You will see that at present the neighbours (22 Mill Hill) to the rear have an existing roof area to sit out on but because of the window situation with neighbours (windows directly facing each other) rarely use because of the privacy issues, this scheme though alleviates that problem by the removal of the opposite window (22a) and the fitting of a conservatory for the benefit of 24 Mill Hill.

I have included the facts, pictures, plans and statements which shows absolutely that this is a vast improvement for firstly the occupants, then the area and also a planning gain and have even purchased the grass verge from DDC in order to form garden/utility areas for the new proposed houses so hope you can agree with my firmly held belief in its success, as of course your approval would hold considerable weight in the outcome of the planning committees decision.

Whatever you decide look forward to hearing from you, thanks very much for taking the time to read this letter

Yours Sincerely,

Tony Easton

Company Number 9423762

22 & 22A Mill Hill, Deal. CT14 9EN

Conversion Facts of 2No Flats into 2No Houses. Bedroom numbers unchanged

| | EXISTING | PROPOSED | COMMENTS |
|-----------------|-----------------|-----------------|---|
| BEDS | 5 | 5 | UNCHANGED |
| SHADOWING | MINOR | MINOR | DDC ACCEPTED |
| GARDEN | 259sq feet | 641sq feet | OCCUPANT/ST SCENE GAIN |
| BIN STORES | 2 | 4 | OCCUPANT/PLANNING/ ST SCENE GAIN |
| CYCLE STORE | 0 | 4 | OCCUPANT/PLANNING/ ST SCENE GAIN |
| ROOF | POOR | RENEWED | OCCUPANT/ST SCENE GAIN |
| SOFFITS/FASCIAS | POOR | RENEWED | PLANNING/ST SCENE GAIN |
| SVP PIPES | SEEN | HIDDEN | PLANNING/ST SCENE GAIN |
| WINDOWS/DOORS | POOR | RENEWED | OCCUPANT/ST SCENE GAIN |
| RENDER | POOR | RENEWED | OCCUPANT/ST SCENE GAIN |
| SOUNDPROOFING | POOR | INSTALLED | OCCUPANT/BUILDING CONTROL GAIN |
| FIREPROOFING | DATED | RENEWED | OCCUPANT SAFETY/ BUILDING CONTROL GAIN |
| ACCOMODATION | DATED | RENEWED | OCCUPANT/HOUSING GAIN |
| STREET SCENE | POOR | ELEGANT | OCCUPANT/ PLANNING/ NEIGHBOURHOOD/ GAIN |
| BATHROOMS | POOR | RENEWED | OCCUPANT/HOUSING GAIN |
| WC'S | POOR | RENEWED | OCCUPANT/HOUSING GAIN |
| KITCHENS | POOR | RENEWED | OCCUPANT/HOUSING GAIN |
| DETRIMENTS | NONE | NONE | NONE |



GNS1 DZK

EXISTING

EXISTING

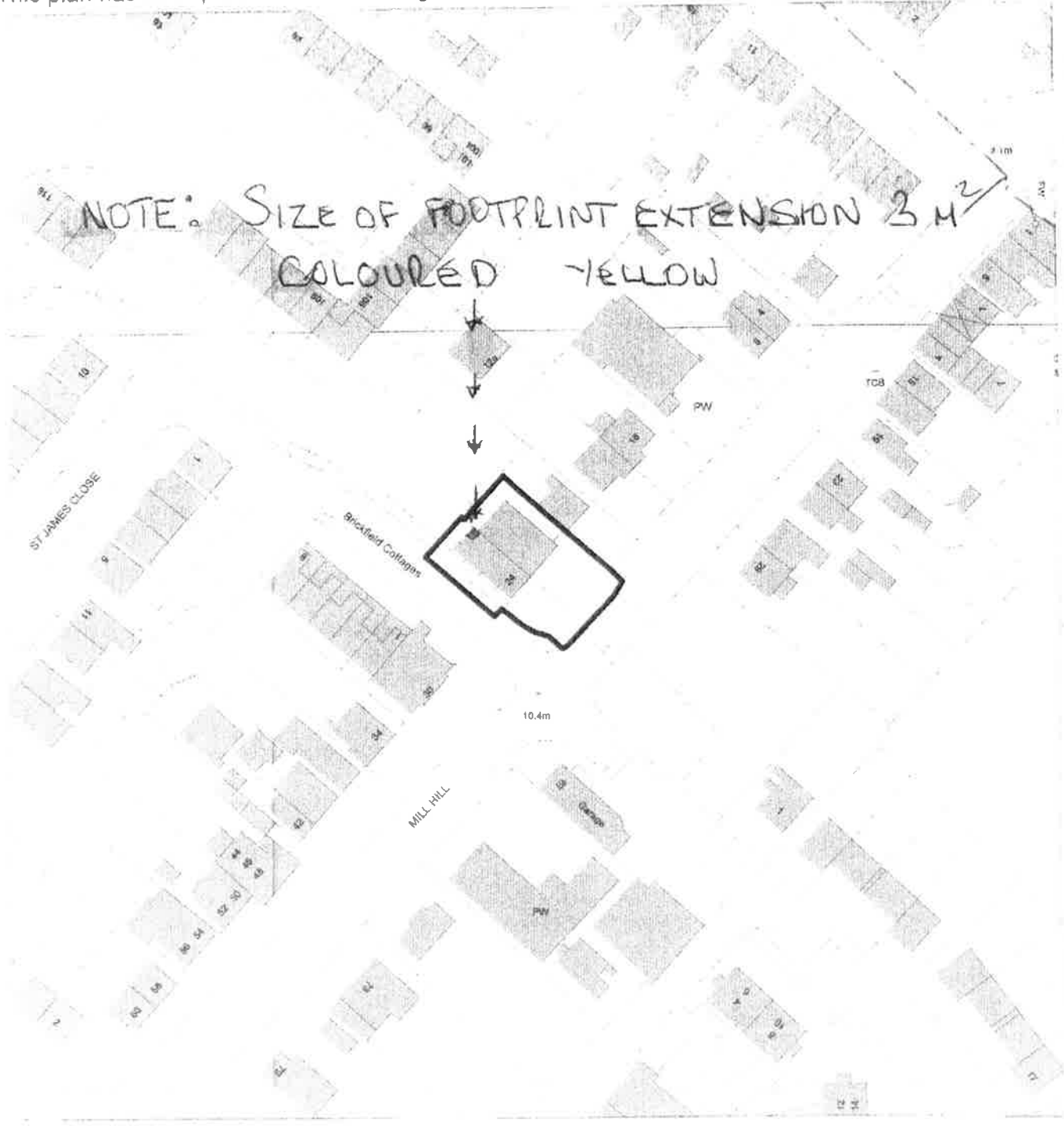




St James Close

PROPOSED

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Not to scale

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Application: DOV/16/00838

24 & 24 A Mill Hill

Deal

CT14 9EN

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published 2016

TR36605145

Note: This plan is provided for purposes of site identification only



- a) **DOV/16/00838 - Conversion of existing building from two flats to two dwelling houses with a two-storey extension to 24 (existing extensions to be demolished) and erection of a first-floor conservatory to no. 22 - 22, 24 and 24A, Mill Hill, Deal**

Reason for report: level of public support.

- b) **Summary of Recommendation**

Planning permission should be refused

- c) **Planning Policy and Guidance**

Dover District Council Core Strategy

- 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 57 states 'It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes'.
- Paragraph 58 sets out amongst other things that comprehensive policies that set planning decisions should aim to ensure the development;
 1. Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of development.
 2. Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;

3. Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public spaces as parts of developments) and support local facilities and transport networks.
 4. Respond well to local character and history, and reflect the identity of local surroundings and material, while not preventing or discouraging appropriate innovation.
 5. Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
 6. Are visually attractive as a good result of good architecture and appropriate landscaping'.
- 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 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 connections between people and places and the integration of new development into the natural, built and historic environment.
 - 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 111 states 'planning policies and decisions should encourage the effective use of land by re-using that has been previously development (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield site'.

Other Guidance/Relevant Matters
Kent Design Guidance.

d) Relevant Planning History

DOV/16/00327 – Conversion of existing building to two dwellings together with a two storey extension to 24 (existing extensions to be demolished) and erection of a first floor conservatory to no.22. – Withdrawn.

e) Consultee and Third Party Responses

Deal Town Council; Raises no objections.

Third Party Responses:

Local residents: 7 letter of support have been received and are summarised below;

- The properties need to be renovated;
- It would be a vast improvement, which will improve the area, especially in view of recent completion of nine new homes;
- The properties are run down and would benefit from improvement;
- Would improve the outlook from the house,
- Will greatly improve the entrance into St James Close.

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

1.1 The existing property is within a prominent location on the corner of Mill Hill and St James Close directly opposite Freemans Way. The application site comprises 24, 24a and 22 Mill Hill. 22 Mill Hill has a commercial use at ground floor level with living accommodation over; this property has dormers within the front and rear roof slopes and a balcony to the rear at first floor level and a two storey gable extension to the rear.

1.2 Number 24 and 24a has been subdivided into two horizontal flats and has a two storey gable extension and single storey extensions to the rear. There are a number of parking spaces to the front of the building.

1.3 The local area comprises mixed uses with a parade of shops to the west and further commercial premises to the east. On the opposite corner of the street is a prominent two storey building being used as a gym with a relatively new row of terraced dwellings directly to the rear of the gym. Directly to the rear of the site, are a row of 4 terraced houses with off street parking to the front of the properties.

Proposed Development

1.4 Planning permission is sought for the conversion of the existing building (24 and 24a) to 2 dwellings together with a two storey rear extension (existing extensions to be demolished). It is proposed to create 1x 2 bed and 1 x 3 bed dwellings within the extended building.

1.5 At first floor, alterations to no 22 would involve a first floor conservatory which would effectively infill the rear balcony area.

1.6 The existing grass verge area to the side of no 24/24a would be used to provide a garden area for the two dwellings. The applicant has stated 'it is not intended to add fencing along this line'. Parking for both dwellings, with a visitors parking space, (excluding the flat), would be on the existing off road parking area.

1.7 The materials would match those of the existing building.

2. Main Issues

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

- Principle of the conversion of the existing building from two flats into two dwellinghouses.
- Design/Appearance and street scene.
- The impact on residential amenity
- Highway safety.

2.2 Assessment

Principle of Development

- 2.3 The site is located within the Deal settlement boundary and the use of the existing building is for residential purposes 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. Design/Appearance and Street Scene

- 3.1 The building is within a prominent location on the corner of Mill Hill and St James Close and has a narrow grass verge, running alongside. Green spaces such as the grass verge in question provide visual quality to the street scene.
- 3.2 Paragraph 61 of the NPPF sets out that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. The existing building consists of a number of different extensions and an unattractive balcony to the rear of number 22 Mill Hill. The applicant is proposing to demolish the extensions to the rear of 24 and 24a. The balcony to the rear of number 22 Mill Hill is to be infilled and would be replaced with a glazed room described as a conservatory. The extensions and alterations would consolidate the building in design terms and it is considered in terms of visual appearance would visually enhance the existing building.
- 3.3 The applicant has shown the private amenity space to serve the 2 and 3 bed dwellinghouses, which abuts the back edge of the road. This space would normally provide enough space for occupants to sit out, dry washing and other domestic paraphernalia. This application now proposes to leave this area open and unenclosed. The application site is located within a prominent location within Mill Hill and is visible from public vantage points. By leaving the amenity space open, this would result in a harm to the street scene as the domestic paraphernalia such as bins, tables and chairs would be readily visible and would result in the loss the street scene amenity space. It should be noted however that if planning permission were granted, the future occupants would benefit from permitted development rights and could erect a wall or fence one metre high, unless these permitted developments rights were removed. ~~INCORRECT~~
- 3.4 In order to achieve sustainable development, the NPPF states that a good standard of amenity should be secured for all existing and future occupants of development. It also states that ways should be found to enhance and improve places where people live their lives. Development is expected to contribute to making places better for people, to achieve high quality public and private spaces to function well and add to the overall quality of an area. Any means of enclosure of the grass verge and the loss of the amenity space, which is considered to have value in the street scene, would likely to lead to harm, albeit limited – but none-the less, would not make the place better for people who live in the area. However, as the site is proposed to be left open, this would mean that the new occupants would have an amenity area. By not enclosing this area the space would not provide the future occupants of the dwellings with a private amenity space. This in itself is not considered to be acceptable in respect of their expectations for privacy. ~~INCORRECT~~

4. Impact on Residential Amenity

Overshadowing

4.1 Paragraph 17 of the National Planning Policy Framework states that development should 'always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and building'. Concerns were raised with the applicant over the proposed extension to the rear of 24/24a Mill Hill, potentially casting a shadow over the properties to the rear of the site. These properties to the rear in St James Close are within 2 metres of the proposed development. *SEE SHADOW MAPPING*

4.2 The applicant has submitted shadow maps. This demonstrates there would be some overshadowing of kitchen/living room windows to the new properties to the north west at limited times during the year and to the adjacent property 20 and number 22 (the application site) in September. The occupants of these properties would expect to enjoy a certain level of sunlight. The proposal is therefore considered to be in direct conflict with the aims and objectives of the NPPF and would result in harm to residential amenity. *AS ABOVE*

Close Proximity/Loss of Outlook

4.3 The properties to the rear of the site are within close proximity to the proposed development, as discussed above. The existing arrangement (to 22/24/24a) has a single storey element which provides an open aspect within the street scene and an outlook for the future occupants of the new terraced properties to the rear of the site. The proposed development would close this gap. The two storey element of the extension to the rear of 24/24a would be within 2m of the nearest living room windows to the houses to the rear. It is likely that this would result in a sense of enclosure and a loss of outlook, the effects of which would be cumulatively harmful to the living conditions enjoyed by the occupants of these properties, contrary to the aims and objectives set out in the National Planning Policy Framework.

Overlooking

4.4 Whilst the applicant has designed the proposed development to include an additional four windows within the south west flank elevation, given the orientation of the property in respect of the gym, directly opposite on the other side of the road, it is not considered that this would give rise to any additional overlooking.

4.5 Within the existing rear elevation of number 22 Mill Hill is an existing balcony. This is to be enclosed by a first floor extension (glazed wall and roof). This element would not create any additional overlooking over any private amenity space enjoyed by the future occupants of the properties within St James Close. In addition to this the flank elevation of the properties to the rear of 22, 24 and 24a Mill Hill are built within close proximity and therefore the proposed changes to the fenestration are considered acceptable in respect of the living conditions to be enjoyed by the occupants of these properties, as there would be no direct overlooking into their private amenity space.

Private amenity space

- 4.6 Paragraph 57 of the National Planning Policy Framework sets out that it is important to plan positively for the achievement of high quality and inclusive design for all the development, including individual buildings, public and private spaces and wider area development schemes'. A typical feature of dwellinghouses in this area is that they have private amenity space. Accordingly such an expectation prevails here. *MORE AMENITY SPACE THAN OPPOSITE*
- 4.7 Two and Three bedroomed dwelling houses (rather than 2 bedroomed flats) would normally be occupied by families who would expect a require level of private amenity space. *1 X 3 BED FLAT*
- 4.8 The proposed amenity space associated with the development is approximately 17 metres x 2.5 metres. This is considered to be inadequate to meet the needs of a single dwelling house let alone two, bearing in mind the likely occupants of the dwellings and their needs. The lack of private amenity space is considered to reduce the quality and the residential value of the development. The development in this respect is therefore considered to be in direct conflict with the aims and objectives of the NPPF. *NO'S 1-5 BRICKFIELD COTTAGES OPPOSITE HAVE LESS AMENITY SPACE SEE ABOVE*
Living conditions
- 4.9 Paragraph 56 of the National Planning Policy Framework 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. The development is proposing 2 and 3 bedroomed houses.
- 4.10 The Government has published technical guidance (Technical Housing Standards – nationally described space standards March 2015), which set out standards for room sizes. Whilst DDC has not adopted this guidance it is a useful reference document as such.
- 4.11 The room sizes proposed do meet these standards. In view of this, the development is likely to provide suitable internal accommodation which would meet the needs of occupants.
5. Highway Safety
- 5.1 The existing parking arrangements will remain unchanged and therefore the proposal complies with the aims and objectives of the National Planning Policy Framework and policy DM13 of the Core Strategy.
6. Conclusion
- 6.1 In the absence of a five-year land supply of housing sites, the Councils policies relating to housing land supply are not considered to be up to date. However, that is not to say that the absence of a five year housing land supply should be conclusive in favour of a grant of planning permission, as there are other material factors to take into consideration here.
- 6.2 The National Planning policy Framework (paragraph 14) states that there should be a presumption in favour of sustainable development, meaning that, in the circumstances of this case, permission should be granted unless adverse impacts arising would demonstrably outweigh the benefits when assessed against the policies in the framework as a whole. In this instance whilst the

development would effectively result in an improvement in the appearance of the building and provide two new dwellinghouses, the living conditions of future occupants of the properties to the rear would be harmed through a loss of outlook and an unacceptable level of overlooking. Together with the insufficient private amenity space serving the future occupants of the proposed dwellings and the loss of street scene amenity space with domestic paraphernalia also likely to be readily visible from the street, it is considered that these matters amount to a level of harm sufficient to outweigh the benefits of the scheme. Overall it is considered that the adverse impacts of the development, due to the potential for harm would outweigh the benefits as a whole.

g) NO OVERLOOKING WILL PROVIDE FENCE IF REQUIRED
Recommendation

PERMISSION BE REFUSED for the following reasons:

- I. The proposed development if permitted, due to its close proximity with the properties directly to the rear of the site would result in an unacceptable level of overshadowing and loss of outlook to the living conditions that can be reasonably expected by the occupants of those properties contrary to the aims and objectives of paragraphs of 14, 17 and 56 in particular, of the National Planning Policy Framework.
- II. The proposed development would result in a loss of street scene amenity space and would not provide sufficient private amenity space for the occupants of the new dwellings, and would be harmful to the quality of the built environment and lead to a poor quality form of development contrary to the aims and objectives of paragraphs of 14, 17, 56, 57 and 58 in particular, of the National Planning Policy Framework.

Case Officer

Karen Evans

Peter Wallace

From: Easton Builders <eastonbuilders@btinternet.com>
Sent: 14 October 2016 13:17
To: 'Anthony Easton'
Subject: FW: Mill Hill Deal DDC Council Report of Committee DOV/16/00838
Attachments: 20161013_102026.pdf

From: Easton Builders [<mailto:eastonbuilders@btinternet.com>]
Sent: 13 October 2016 10:32
To: Red House Design, Nigel <enquiries@redhousedes.co.uk>
Subject: Mill Hill Deal DDC Council Report of Committee DOV/16/00838

Hi Nige, please find enclosed, self-evident. Have highlighted relevant points as I see them but some statements are incorrect as we were asked to take out boundary fence as the planner wanted an open view, perhaps you could find this instruction also Dave stated that Shadowing was not a reason for refusal after your submitted drawings, again message please, other points I have written. Perhaps once you have the time you could read and let me know your thoughts. I am merely trying here to modernise tenants housing, you would think I am committing a crime. Best regards Tony

