

a) **DOV/16/00530 - Erection of a detached dwelling - Site adjacent to 5 Friends Close, Deal**

Reason for Report – the number of contrary views that have been received with regards to this application and Councillor Bob Frost call-in

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policies and Guidance**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Dover District Core Strategy

- Policy CP1: Settlement Hierarchy
- Policy CP4: Housing Quality, Mix, Density and Design
- Policy CP5: Sustainable Construction Standards
- Policy DM1: Settlement Boundaries
- Policy DM13: Parking Provision

Dover District Local Plan 2002 (saved policies)

There are no saved local plan policies that are relevant to this application.

Land Allocations Local Plan (LALP)

There is no policy within the LALP directly related to this proposal.

National Planning Policy Framework (NPPF)

The NPPF states that at its heart is a presumption in favour of sustainable development, to be seen as a golden thread running through decision-taking. It sets out three dimensions to achieving sustainable development: economic, social and environmental. These should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

- Section 6: Delivering a wide choice of high quality homes;
- Section 7: Requiring Good design ;
- Section 10: Meeting the challenge of climate change, flooding and coastal change.

National Planning Policy Guidance (NPPG)

Provides guidance on matters relating to the main issues associated with development.

Other Documents

The Kent Design Guide sets out design principles of development.

d) **Relevant Planning History**

DOV/04/00261 Site at Northwall Road, deal: Erection of 19 no. new 2 storey dwellings plus all associated works – GRANTED.

DOV/04/00261/C Site at 89 Northwall Road, Deal: Amendments to approved planning permission DOV/04/00261 – changes to roof levels and children's play area and additional parking – GRANTED

e) **Consultee and Third Party Responses**

The Environment Agency were consulted and raised no objection to the development subject to conditions which relate to the internal floor levels of the building.

Deal Town Council were consulted and made the following comments:

*'Strongly object to this planning application as the promised completion to both the road and paths by developer is yet to be done meaning they remain un-adopted causing major health and safety issues, damage to local cars, additional dwelling means lack of car parking space. The residents were previously promised a green area incorporating a children's play area and that no additional build would take place by developer. Concerns over flooding and overshadowing.'*

KCC Archaeology were consulted and stated that no archaeological measures are required.

Neighbouring properties were notified of the application, and a site notice was placed on site. 10 objections were received with regards to this application, with the concerns raised summarised below:

- The proposal will lead to overlooking and loss of privacy on neighbouring properties;
- It was promised that the land would be laid to lawn and a play area established;
- The roads and paths surrounding the site are unfinished;
- Parking is an issue on Friends Close and the erection of a new dwelling will exacerbate the issue;
- The original planning applications were for a greater number of dwellings and were steadily reduced until permission was granted. As a number of dwellings have been on concern before, existing restrictions on the no. of dwellings should not be circumvented by subsequent, piecemeal additions;
- Environmental impact in terms of noise, dirt and general disruption during the proposed build would negatively impact many of local residents; and
- Already regular flooding on Northwall Road and it would appear that existing drainage is inadequate and as such the proposed development would appear inappropriate.

Councillor Frost requested that the application be heard before Planning Committee on the basis that:

- There is significant public interest;
- The site was proposed to be used for recreation;
- The status of the access to the site;
- The proposal would be over water holding tanks.

**f) The Site and Proposal**

1. The application site is located within the urban settlement boundary of Deal and consists of a piece of open land adjacent to the existing residential properties to the south of the close. The site is a rectangular piece of land which currently in use for storing building materials, however in a previous planning application (ref: 04/00261) it was allocated for use as a children's playing area, although a more recent application has seen this allowed to be used as open space. The surrounding area is predominately residential apart from immediately to the east and west of Friends Close are two storage yards.
2. The dwellings on Friends Close are 2 and 3 bed properties, and all of two storey, as are the majority of the properties within the wider vicinity. The pavements along Friends Close are unfinished leading to them being uneven and unusable for disabled residents or pram users – a complaint that numerous objectors have raised through the consultation process.
3. The site falls under Flood Zone 2 and 3 according to Environmental Records, as does much of the central area of Deal.

The Proposed Development

4. The proposed development seeks planning permission for the erection of a single 3 bedroom detached dwelling. The proposed dwelling would be finished in white render with brick detailing and have a slate effect pitched roof and 2 car parking spaces to the rear.
5. The building would have a maximum width of 8.1metres, a depth of 8.4metres, and a height of 8metres (to ridge). The property would be set back approximately 6metres from the edge of the highway (to the front) and 10metres to the edge of the highway to the side. Existing car parking spaces would lie between the property and the highway to the south (side). The property would have a rear garden of a depth of approximately 11 metres which would be relatively consistent with the neighbouring properties.

**Assessment**

Principle of Development

6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
7. The NPPF states that any proposed development that accords with an up-to-date Local Plan should be approved and that which conflicts should be refused unless material considerations indicate otherwise. At the heart of the NPPF is a

presumption in favour of sustainable development and for decision taking this means approving development that accords with the development plan.

8. The site is currently an open piece of land used to store a small amount of building materials as well as being slightly overgrown. It is within the development of 19 dwellings (ref: 04/00261) which permitted the construction of the dwellings which form Friends Close. The area was previously conditioned to be a children's play area, however, further permissions have been granted which have seen this given over as open space within private ownership (DOV/04/00261/C).
9. The Council do believe that the provision of open space is important within urban areas, and as such would ordinarily be reluctant to permit any application that would result in its loss. However, this open space, which was originally set aside for a small play area, has never be used for this purpose, and there is now no prospect of this taking place due to land ownership (i.e. it not falling within the control of a management company). This loss has already been agreed through the granting of non-material amendment DOV/04/00261/C). It should also be noted that the North Deal Recreation Ground is approximately only 0.3km away from the proposed site that local residents can use.
10. The key considerations for this application are therefore whether the proposal would result in any visual harm, or any harm upon the residential amenity of the neighbouring occupiers.

#### Visual Impact

11. It is important to first consider whether the loss of the existing land (as open space) would be to the detriment of the character and appearance of the locality. At present the site is overgrown with building materials stored to the rear. The appearance of the site currently therefore detracts from the character and appearance of the locality. That said, should the site be cleared and fully landscaped, then there would be some benefit to the area – so I afford its current state very little weight.
12. That said, this is a relatively small site, and it is considered that because of its location, at the end of the cul-de-sac, the benefits of the open space would be limited (it is not of a scale to draw residents from beyond the very immediate vicinity). With this in mind, the loss of the open space would have a limited effect and would not be particularly harmful to the character and appearance of the area, subject to the design of the proposed building being of a suitable scale and design for this locality.
13. In this regard, the proposal has been designed to replicate the design of the properties that have been constructed within the cul-de-sac. With this in mind, no objection is raised to the proposal. It would sit well within the street scene and would not look out of place.
14. Perhaps more importantly, is the consideration as to whether the proposal would result in a cramped form of development. The proposal would result in a detached dwelling that would be set off the boundary with number 3 by two metres and a separation distance from the highway of six metres. When assessing this against the existing pattern and grain of development within the vicinity this appears comparable and it is therefore considered that this would not appear as incongruous when viewed from within the street.

### Residential Amenity

15. The proposed dwelling would be located alongside number 3 Friends Close, and would be side on, with no windows proposed on the side elevation. The existing property does have two side facing windows, neither of which serve habitable rooms. Whilst this proposal would result in a loss of light to these windows, it is not considered that this would be to the detriment of the existing occupiers.
16. The position of the dwelling would also ensure that the proposal would not have an adverse impact upon the rear amenity space of this rear garden. There would be no unacceptable overlooking of this amenity space, nor any overshadowing/loss of light.
17. Whilst concerns have been raised with regards to an additional building within the Close, it is not considered that it would have a detrimental impact upon residential amenity.

### Highways

18. The proposed dwelling would be provided with two off street car parking spaces, to the rear. This is considered to be an appropriate level of car parking provision for a dwelling of this scale, and as such there are no objections raised with regards to the impact upon highway safety.
19. The matter of the unfinished footpaths and highway within the existing development has been raised by a number of local residents. This matter is however not material to the consideration of this application. However it is noted that as a gesture of goodwill the applicant has submitted a Unilateral Undertaking which would require the existing roads and footpaths to be completed within three months of the first occupation of the dwelling if a planning permission is granted. This undertaking is not a material consideration as it is not considered necessary to make this development acceptable, and cannot be taken into account in determining the application. The undertaking would however be binding and enforceable.

### Other Matters

20. In terms of flood risk, the submitted FRA details that the evidence provided can be used to demonstrate that the risk is significantly lower than that depicted by the coarse Environment Agency Flood Zone Map. The Environment Agency were consulted on this application, and have reviewed the submission, and are satisfied that this application can be approved subject to the imposition of a condition controlling the internal floor level of the building.

### Conclusion

21. This application would see the loss of an area that was previously designated as open space. However, given the planning history on this site, it is now considered that the loss of this space would not have a detrimental impact upon either the character and appearance of the locality, nor upon the availability of appropriate open space for occupiers of the development. With this in mind, and the acceptability of the design, and impact upon residential amenity, it is concluded that this development is acceptable, and it is therefore recommended that

Members give this application favourable consideration and grant planning permission subject to the conditions set out below.

**g) Recommendation**

- I Planning permission be granted, subject to conditions set out to include, in summary; i) commencement within 3 years; ii) carried out in accordance with the approved drawings; iii) details of materials to be submitted iv) details of cycle and refuse storage; v) any conditions requested by KCC; vi) any conditions requested by KCC Archaeology vii) any conditions requested by the Environment Agency.
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning permission conditions in line with issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Chris Hawkins