

a) **DOV/17/00010 - Erection of a detached dwelling and garage and creation of associated parking - 1 Lockett Cottages, The Street, Preston**

b) **Summary of Recommendation**

Grant Planning Permission subject to conditions.

c) **Planning Policies and Guidance**

Statute

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.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the planning authority should pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses.

National Planning Policy Framework (NPPF)

Paragraph 6- recognises that the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 7- outlines the three dimensions of sustainable development, which has an economic role, social and environmental role.

Paragraph 14- states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking.

Paragraph 34 states that plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 50 stipulates the need to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable inclusive communities.

Paragraph 56 emphasises that 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 60 states that planning policy 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 character or distinctiveness.

Paragraph 61 states that whilst the visual appearance and architecture of individual buildings are very important factors, securing high quality design and inclusive design goes beyond aesthetic considerations.

Paragraph 63 states that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Equally permission should be refused for development of poor design in accordance with paragraph 64.

Paragraph 66 states that applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community.

Paragraphs 131-134 of NPPF seek to reinforce the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 by setting out guidance on assessing the impacts of development on designated heritage assets. This is amplified in the National Planning Practice Guidance.

Historic England, The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning: 3 (2015)

Dover Core Strategy (2010)

Policy CP1 The location and scale of development in the District must comply with the Settlement Hierarchy.

Policy DM1 Development will not be permitted on land outside the urban boundaries and rural settlement confines shown on the proposals map unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.

Policy DM13 Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.

Policy DM15 Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.

Policy DM16 Development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce harm and incorporate design measures to mitigate impacts to an acceptable level.

Land Allocations Local Plan (LALP)

No relevant policies

Supplementary Planning documents and guidance

The Kent Design Guide sets out design principles of development.
Preston Village Design Statement

d) Relevant Planning History

DOV/15/00722: Erection of three terraced dwellings, associated car parking and parking for 2 Lockett Cottages (existing carport for 2 Lockett Cottages to be demolished) – refused.

This application was refused for the following reason:

1. The proposed development, if permitted, due to its design, appearance and siting, would result in a poorly related and uncharacteristic form of development, which has failed to take account of the historic context of the site, would not contribute to an improvement of the character of the area and which would be located in part beyond the Preston settlement boundary, the reason for which has not been justified, as well as resulting in a loss of amenity space; thereby causing an unacceptable level of harm to the setting of a listed building, where that harm would not be outweighed by any public benefits, and would be harmful to the quality and appearance of the setting of the countryside and the street scene, contrary to the aims and objectives of the Kent Farmsteads Guidance, the Preston Village Design Statement, policy DM1 of the Dover Core Strategy and the NPPF in particular at paragraphs 14, 17, 56, 64, 128 and 134.

e) Statutory Consultee and Third Party Comments

Preston Parish Council were consulted and objected to the proposal on the following grounds:

- 1) The design of the proposed dwelling does not sit comfortably within the street scene and fails to respect the setting of the adjacent listed buildings.
- 2) The proposal fails to respect the design requirements of the Village Design Statement.
- 3) With consents granted in recent years there is now an oversupply of larger houses within the village which could adversely affect future demographics.
- 4) The Parish Council would prefer to see affordable, smaller units to satisfy demand identified in the Parish Plan and Village Design Statement.

The Parish Council then sought to clarify point 4 in a future submission:

By way of clarification, the statement regarding affordable housing should not be taken to mean that the PC would support such a development on this site.

KCC Highways were consulted and made the following comments:

- 1) Visibility splays of 43 metres x 2.4 metres x 43 metres are required, but appear to be achievable.
- 2) A minimum of 2 independently accessible parking spaces are required for the proposed four-bedroom dwelling. In addition, garages are not counted as providing car parking spaces in this scenario. The current parking arrangements should therefore be amended to reflect this.

Senior Heritage Officer: No objections to the proposal. The proposal follows the guidance provided at pre-application. The impact on the setting of the listed building is considered to be less than substantial as noted in the NPPF: whilst the openness around the listed building is reduced as a result of the proposed works, the detailed design and siting of the proposed dwelling and the retention of the soft boundary to the frontage of the site helps to ameliorate the harm.

Neighbour Representations

In total 24 neighbour representation have been received; these letters have been received from 13 different residents, some of whom have responded to the amended plans as well as the initial submission. The main concerns within these letters of objection are summarised below:

- There is insufficient car parking within the site and surrounding area;
- The sole purpose of the dwelling is to make money for the developer;
- The proposal would have a negative impact upon the setting of the neighbouring listed building;
- The proposal would have an adverse impact upon residential amenity;
- There is already significant development within the village and this proposal would worsen that situation;
- The proposal should be a smaller, more affordable unit;
- The proposal would adversely impact the character of the village;
- The proposal would adversely impact upon the lives of existing residents;
- The impact of the proposal on the drainage ditch has not been fully considered.

f) The Site and The Proposal

The Site

1. The application site is located within the village of Preston, close by to the village shop and the primary school. Part of the site lies within the village confines, with the rear falling outside of the confines – although it is noted that no built form is proposed outside of this defined boundary.
2. To the south of the application site lies two listed cottages known as ‘Lockett Cottages.’ These grade II buildings are described within the Historic England website as being:

‘House, now cottage pair. C17. Red brick in English bond, return elevations rough cast, with plain tiled roof. Lobby entry plan. Two storeys on plinth with plat band and roof hipped to left with stacks to end right and clustered to left. Three 3-light wooden casements with small light to left, and three 2-light wooden casements on ground floor. Door of 4 panels to left. Catslide outshot to rear.’

3. These two cottages stand slightly further forward than the properties that currently lie on either side of them, although they both have attractive, and well landscaped front gardens.
4. To the north of the application site lies a mid-twentieth century pair of semi-detached chalet bungalows known as ‘Martingale’ and ‘Treebrooke’. These properties are provided with large open off-street parking provision set behind a layby within the highway. Both properties have an integral garage. ‘Martingale’ has a small conservatory on the rear and southern side, which would face onto the proposed dwelling.
5. To the west of the application site are open fields with relatively far reaching views out into the wider countryside.

6. To the east of the site (across the highway) is a pair of semi-detached bungalows (white painted) which are set back a considerable distance from the highway. These have off-street parking set behind a low boundary wall.

The Proposal

7. This is a full application that seeks planning permission for a two-storey detached dwelling, with detached garage. The proposed dwelling would have four bedrooms, and associated living accommodation. The detached garage would have a catslide roof with log store on one side.
8. Amendments were sought from the original submission which has seen a more appropriate design, which included the alteration of the roof slope, the inclusion of more detailing and the provision of a chimney. These amendments were sought in order to address concerns with the original submission.

Main Issues

9. The main issues are:
 - The principle of the development
 - The impact on the character and appearance of the area
 - The impact upon listed buildings
 - The impact on neighbouring properties
 - The impact on the highway network
 - Other Matters

Assessment

Principle of Development

10. 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.
11. The NPPF states that any development that accords with an up-to-date development 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 making this means approving development that accords with the Development Plan.
12. Preston is identified as a tier five settlement (Village) within the Dover Core Strategy which allows for development that would reinforce its role as a provider of services to essentially its home community.
13. The proposed residential development would have economic and social benefits in accordance with the NPPF presumption in favour of sustainable development.
14. In summary, the site falls within the village confines of Preston and therefore the principle of new housing development is acceptable and accordance with CS policy DM1 and sustainability objectives of the NPPF subject to all other material considerations being assessed/met.

Impact on the Character of the Area

15. The NPPF states that planning decisions should aim to ensure that developments will function well and add to the overall quality of an area. Paragraph 17 states

that the need to always secure high-quality design should underpin decision-taking. Paragraph 56 refers to good design being a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

16. The proposed dwelling would be sited between existing two-storey properties which and would be of a scale and form that would not appear as incongruous within the immediate vicinity.
17. At pre-application stage it was advised that the hedge to the front of the site should be retained, and the applicant has shown that this can now be kept as part of this proposal. It is considered that this is of significant benefit, not only in terms of the impact upon the village but also the setting of the listed building.
18. It is considered that the building is well designed, and would respond positively to the existing, and relatively high standard of building stock with the locality. The provision of brick detailing and car slide roof, would help to articulate the building, and would ensure that its scale would appear in keeping. The use of materials would need to be carefully considered should permission be granted, with the use of high quality bricks, tiles, and the use of timber fenestration to respect the historic setting within which it would sit.
19. It is therefore considered that the proposal would accord with the requirements of the NPPF in that it would be well designed and would not detract from the character and appearance of the locality.

Heritage Impacts

20. Paragraph 131 of the NPPF requires that in determining planning applications, local planning authorities should take account of the desirability of sustainable and enhancing the significance of heritage assets and putting them to viable uses, consistent with their conservation, as well as the desirability of new development making a positive contribution to local character and distinctiveness.
21. Paragraph 132 of the NPPF outlines *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting”*.
22. The previous application within this site was (in part) refused on the basis of the detrimental impact upon the setting of the adjacent listed building ‘Lucketts Cottages.’ This previous application saw a much larger development of three dwellings, which were also poorly designed, and failed to respond to the existing character and appearance of the village.
23. Pre-application advice was subsequently held with the Council who advised that a smaller development within the site may be acceptable – with a single dwelling the most fitting design response. The applicant subsequently submitted this application, and has also amended its design prior to determination.
24. Lucketts Cottages is located within a generous open site. It is set back from the roadside and when travelling southwards along The Street is read in relation with the neighbouring oast house (now separate ownership and converted to

residential). The space subject to the proposal, as shown on mid Nineteenth Century maps, was originally the open farmyard and included buildings such as a large barn. However, later maps show a change in the distribution and use of buildings with the erection of the oast house, demolition of the barn and conversion of the farmhouse into two cottages. This latter change included the re-drawing of the boundary to contain the cottage gardens to a more discrete size, excluding the site subject to this proposal.

25. The proposed dwelling would be set back from the road and slightly behind the front line of the listed building. It would be located adjacent to the boundary with the modern development to the north, maintaining a soft edge to the street frontage and retaining a significant gap between it and the listed building. Due to siting, the visual relationship of Lucketts Cottage and the oast house will be unaffected by the proposed development. The open setting will be reduced but due to the reasons noted the harm caused to the setting of the listed building will be low. It is now considered that the proposal would be of a scale and form that would not appear as incongruous within the locality, and would not be overbearing on the listed building or compete for dominance with the listed building. The building has been designed in a traditional style using materials common to the area and as found on the listed building. It has been designed in such a way as to bring through the strong horizontal emphasis of the cottages, and also seeks to respond to the height of these dwellings – thus not proving overbearing. It is considered important to condition the materials in order to ensure a high quality of design should permission be granted – with the inclusion of timber fenestration, and the use of high quality brick. Samples will be required prior to the commencement of works on site.
26. Paragraph 134 of the NPPF requires that where the impact on the heritage asset is considered to be of less than substantial harm that this should be weighed against the public benefits of the proposal. Whilst concern has been raised in consultation responses with regards to the loss of the garden space to the side of the listed cottage, it is considered that the sub-division of this plot would result in less than substantial harm to the setting of the listed building and that this harm is minor due to the reasons set out above and would be outweighed by the modest provision of residential development within a sustainable location (within village confines), in accordance with the governments objective to increase the supply of housing.

Impact on Residential Amenity

27. Concern has been raised by neighbouring occupiers with regards to the impact upon residential amenity, particularly in terms of overlooking.
28. It is considered that a combination of the separation distances between existing and proposed properties together with the orientation of the proposed dwelling would ensure that the development would not cause any significant overlooking to the existing properties. The rear windows of the dwelling would face back towards the open countryside, and would not directly overlook any existing property.
29. The separation distances between the properties would also be sufficient to ensure that the proposed dwelling would not result in any significant loss of light, loss of outlook, or the creation of a sense of enclosure to the existing properties.

30. Whilst this proposal would result in an element of additional noise and disturbance from general day to day living, given this is within the village centre it is not considered to be unacceptable or out of character.
31. It is therefore considered that the proposal would comply with the requirements of paragraph 17 of the NPPF, with no significant detrimental impact upon the amenities of the neighbouring occupiers.

Highways

32. The proposed dwelling would seek to utilise an existing access which would then fork off to provide a private access road for the new dwelling.
33. Given that this is an existing access, it is not considered that there are any highway safety issues with it being utilised – particularly given that there is only one additional dwelling proposed.
34. Whilst Kent County Council highways have requested that additional car parking provision be made within the site – this is on the basis that garage spaces should not be counted as car parking. In this instance, the pre-application advice to the applicant was clear that garaging would be acceptable, and because this is a detached garage with additional side storage, there is a reasonable likelihood that this would be used for car parking.
35. It is considered that should additional hardstanding be provided then there would be the loss of vegetation which would detract from the character and appearance of the locality. Given the sensitive nature of this site, it is considered that the benefits of providing this additional space are not outweighed by the harm of more hardstanding and less vegetation, and as such not amendments were sought.
36. Neighbouring occupiers have also raised concerns with regards to car parking, however, it is not considered that this would give rise to any highway safety concerns.
37. On balance, it is therefore considered that this proposal is acceptable in highway safety terms, and the slight under-provision of car parking is not considered to be sufficient to justify the refusal of planning permission.

Other Matters

38. Concern has been raised with regards to the drainage within the locality. This application seeks the erection of one additional dwelling, which would utilise the existing main drain for foul, and a soakaway for surface water. It is not considered that this would be likely to cause any harm to the existing infrastructure, but nevertheless a condition is suggested to ensure that the correct details are provided.
39. There is not considered to be any impact in terms of ecology within the site. The hedge to the front of the site is now proposed to be retained, which is of benefit both visually and in terms of biodiversity.
40. Concern has been raised with regards to the level of development that has recently taken place within or close to the village. It is noted that the large development to the north of the village, which is now under construction has

significantly bolstered the housing supply within the immediate vicinity but this is not a reason to resist further development. This application site is within the centre of the village, and considered sustainable. It would not be a significant uplift in housing numbers, being a single dwelling and as such overall housing provision is not considered to be a ground for refusal.

Conclusion

41. This full planning application has been subject to significant negotiations, both prior to the submission of the application and also during the life of the application. Whilst concerns have been raised by neighbouring occupiers, in particular with regards to the impact upon the neighbouring listed buildings, it is considered that the proposal does have due regard to their setting, and does follow the advice provided at pre-application stage.
42. The impact upon the setting of the listed building has been considered in light of paragraphs 131-134 of the NPPF and it is considered that there would be less than substantial harm to their setting and that this limited harm is outweighed by the benefits of bringing forward the site for residential development in compliance with rural settlement policy.
43. It is considered that the proposal is well designed and would respond positively to the existing pattern and grain of development within the locality, as well as responding to the existing amenities that neighbouring occupiers currently enjoy.
44. It is therefore considered that this proposal is acceptable and accords with the policies within the development plan and it is therefore recommended that Members give this application favourable consideration subject to the imposition of suitable safeguarding conditions, as set out below.

g) Recommendation

- I PERMISSION BE GIVEN SUBJECT TO (i) 3 year time period for implementation (ii) In accordance with approved plans (iii) Samples of materials (iv) Large scale details of roof overhangs/eaves, window and door recesses/reveals and wastewater/soil pipes (v) Provision and retention of parking (vi) Construction Management Plan (vii) Archaeological field evaluation (viii) Removal of PD rights – window openings, extensions and outbuildings (ix) Foul water/sewerage disposal details (x) Landscaping Scheme (xi) Retention of existing trees/hedgerows (xii) Details of construction vehicle loading/unloading (xiii) Wheel washing facilities (xiv) No surface water discharge to highway (xv) No meter cupboards on front elevation of dwelling.
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary wording of conditions in line with the recommendations and as resolved by the Planning Committee

Case Officer

Chris Hawkins