

- a) **DOV/17/00404 – Erection of detached dwelling, formation of turning area, parking and boundary treatments - Land adjacent to Garden Mews and north-west of Sydney Road, Deal**

Reason for Report: Contrary views

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policy and Guidance**

Core Strategy Policies

DM1 – Development will not be permitted outside of the settlement confines unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.

DM11 – Location of development and managing travel demand. Development that would increase travel demand will not be permitted outside the urban boundaries.

DM13 – Parking provision. A two bed property in a suburban location should have a minimum of one parking space.

NPPF Policies

Paragraph 14 states that a presumption in favour of sustainable development is at the heart of the Framework.

Part 6 – Delivering a wide choice of high quality homes. Paragraph. 49 states that housing applications should be considered in the context of a presumption in favour of sustainable development. The assessment of sustainability has regard to the three dimensions: economic, environmental and social.

Paragraph 50 seeks to provide for different groups in the community including (but not limited to) people with disabilities, older people, and people wishing to build their own homes.

Part 7 – Requiring good design. Paragraph 56 states that great importance is attached 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.

Guidance

The Kent Design Guide

SPG4

Environment Agency advice on Ground Water Source Protection Zones

- d) **Relevant Planning History**

Planning permission has three times been refused for the erection of two bungalows on the plot.

03/01560 - REFUSED on the following grounds:

The proposal does not provide a satisfactory means of access to the site, due to its distance from the adopted highway and is therefore considered to be contrary to Policy TR2 of the Dover District Local Plan.

04/01442 - REFUSED on the following grounds:

1. The proposal does not provide a satisfactory means of access to the site due to its distance from the adopted highway and is therefore considered to be contrary to policy TR2 of the Dover District Local Plan.

2. The proposed development would appear cramped and out of character on this edge of town location. As such the proposed works would be contrary to DD1.

04/01442 An appeal was DISMISSED.

During the appeal process this council withdrew the highways objection to the proposed development. The Inspector dismissed the appeal on the grounds that 'the scheme is poorly related to both the site itself and to its neighbours, and consequently out of character with the general pattern of development in the locality.'

05/00024 - REFUSED on the following grounds:

The development, if permitted, would, by virtue of its siting and location, detract from the living conditions of neighbouring residents and the spatial and visual character and appearance of the area; in addition, the close proximity of neighbouring properties in Lydia Road would result in overlooking and a lack of privacy for the future occupants of the new development. The proposal, accordingly, is contrary to Kent Structure Plan Policy ENV15 and Dover District Local Plan policies DD1, DD4 and DD6.

e) **Consultee and Third Party Responses**

Deal Town Council: Objects on the grounds that the access road is extremely restricted.

County Archaeologist: Requests a condition for a programme of archaeological work.

Kent Fire and Rescue Service: The access provided for fire appliances appears to be satisfactory. A fire appliance can drive 20m into Garden Mews, and the property would then be well within the 45m maximum distance from the parked fire appliance.

Southern Water:

Provides informative advice requesting a formal application for connection to the public sewage system. Also advises that no surface water should be allowed to discharge to the foul sewerage system, in order to protect properties downstream from flooding. Requests that your officers refer to the Environment Agency's Groundwater Protection Policy to ensure the protection of the public water supply source.

Public Representations: Twenty seven letters of public representation have been received: Six objections, one neutral comment, and twenty in support. The letters cite the following material grounds:

Objections

- i) The access road is not sufficiently wide to allow traffic to pass pedestrians.
- ii) The access road width of 3050mm is not in accordance with the deeds of the Sydney Road houses.
- iii) Additional traffic on Garden Mews will go past no. 20. The door of no. 20 is straight onto the road.
- iv) The access road is not suitable for larger emergency vehicles.
- v) Loss of privacy for 71 Lydia Road.

Neutral Comment

Concern that any damage to Garden Mews from joining mains and vehicle use will be made good, and left road worthy, but hopeful that their outlook on the landscape opposite will improve.

Support

- i) This is a good sized plot, with room for front and back gardens, and parking.
- ii) Great care has been taken to design a property which is right for the plot, and in keeping with the surrounding area.
- iii) The vacant plot is an eyesore, and used for fly-tipping. A dwelling should be an advantage to the area.
- iv) The bungalow would be good for the residents of Garden Mews and the area in general, as the property will complement neighbouring properties, and the area will no longer be fly-tipped, making Garden Mews a more desirable place to live.
- v) The development makes very good use of the land.
- vi) The design of the bungalow is innovative.
- vii) Excellent use of waste land. The proposed site is currently under-used.
- viii) This type of property is in very short supply in Deal, Walmer and Kingsdown.

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

1.1 Garden Mews, owned by the applicant, is a private road providing the principal access to six properties, over a tarmac surface. It then continues as an unmade track to provide back access to Sydney Road properties, a number of which have garages at the ends of their gardens. Garden Mews is reached via Hillcrest Gardens.

1.2 Hillcrest Gardens and Garden Mews is a residential development with a mix of architectural styles, made up of detached and semi-detached bungalows and two storey homes. The most prevalent architectural style is the simple, gable ended bungalow.

1.3 The application site is an area of undeveloped waste land between the Garden Mews track and the rear boundary of properties in Lydia Road, which lie to the west of the site. The ground slopes gently down towards the track from Lydia Road, and also slopes gently down towards the field to the south east of the site. The site is currently

enclosed by Heras fencing, and has short grass and weeds on the surface.

- 1.4 The applicant has owned the site for over twenty year, and attempts to keep the site clear and maintained, but despite the Heras fencing, it is frequently used for fly tipping and disposal of garden waste.
- 1.5 It is proposed to erect a single storey, two bedroom dwelling, with associated front and rear gardens, parking and turning areas, and fencing along the Lydia Road boundary. The property has a footprint of approximately 90 sq m, on a plot of
- 1.6 The proposal also involves laying an area of Tarmac, approximately 7m in length, as a continuation of the Garden Mews surface, to provide a clean and practical vehicular access to the site.

2. **Main Issues**

- 2.1 The main issues are:
 - The principle of a dwelling in this location
 - The character and appearance of the area
 - Highway Safety
 - Parking standards
 - The amenity of neighbours
 - The residential amenity of prospective occupants

3. **Assessment**

The Principle of a Dwelling in this Location

- 3.1 The site is within the urban confines of Deal, where new residential development is acceptable in accordance with DM1 and DM11

The Character and Appearance of the Area

- 3.2 The proposed dwelling is similar in scale and mass to the neighbouring properties, and has a design that will sit comfortably within the context of existing development. It has a traditional ridged roof, of shallow pitch, over faced brickwork, with feature render and Cedral clad sections around the front door. It has an engaging principal elevation, with a prominent front door facing Hillcrest Gardens. The front elevation is staggered, and clearly focuses attention towards the front door. The staggered elevation and fully hipped front facing roof are reflective of design features of the three bungalows in Garden Mews.
- 3.3 The site has a boundary abutting the track for a distance of some 65m, 24m of which will have a low fence or no boundary treatment, providing an open aspect to the front of the property, its parking area and front garden. The rest of the boundary, which extends along-side the private rear and side garden of the application property, has a 1.8m high close boarded fence – a feature consistent with the rear boundaries of the Sydney Road properties opposite, and which would not be an alien or inappropriate feature within this street scene.

- 3.4 The proposed dwelling has a total length of 15m. For a distance of 11m, the flank wall sits close to (within 2m of) the track, and the front corner of the property, near to the front door, is only 0.5m from the track. However, it is considered that, since the plot widens towards the back of the property, and the flank wall gradually separates itself from the track, with the back corner having a distance of 2m from the common boundary, the proposed dwelling would not, overall, result in a cramped overbearing form of development on the Garden Mews street scene.

Highway Safety

- 3.5 Garden Mews is not an adopted highway. It is nonetheless important to ensure that the development would not result in harm to traffic and pedestrians using the road. Your officers have noted that Deal Town Council objects to the proposal on the grounds that the access road is extremely restrictive, and that residents have raised similar concerns, citing potential harm to pedestrians. However, the provision of one dwelling is unlikely to increase traffic movements to a significant degree, along a mews that is already serving six properties, in addition to providing rear excess for many others. Furthermore, the proposed dwelling, being situated close to the existing cluster of the Garden Mews development, will not extend the impact of regular vehicular movements more than 7m further than exists at present. It is therefore concluded that the impact of the proposal on traffic movements is likely to be insignificant, and unlikely to threaten the safety of users of the mews or the track beyond.
- 3.6 Kent Fire and Rescue Service were consulted, and confirm that the mews provides an adequate access for a fire appliance.

Parking Standards

- 3.7 Two independently accessible parking spaces have been provided, exceeding the minimum requirement of policy DM13. Cycle storage is also provided by a shed in the back garden.

The Amenity of Neighbours

- 3.8 Three of the Lydia Road properties have rear access gates on to the application site, from their rear gardens. The applicant asserts that none of these properties on Lydia Road have any legal access across the proposed site. The applicant has allowed the rear access to 67 Lydia Road to remain, and has designed the proposed property around it, as a gesture of goodwill. However, it will be necessary to lose the rear accesses of no. 69 and 71 Lydia Road, as they would open directly into the private amenity space of the privately owned land. In order to protect the privacy of occupants of the proposed dwelling a 1.8m high close boarded fence is proposed to be erected along this common boundary, adjacent to the existing boundary treatments.
- 3.9 To remove any potential perception of overlooking from the rooflights originally proposed (albeit high level) on the roofslope facing Lydia

Road, amended plans were requested and received, showing these rooflights removed, and a standard utility room window inserted in the wall instead. The utility room, bedroom and bathroom windows on the Lydia Road elevation will all be screened from the Lydia Road properties by the boundary fence. No overlooking would occur.

- 3.10 The proposed dwelling has the potential to impact on the outlook of Lydia Road houses. Accordingly, during the processing of the application site levels have been requested, and a cross section submitted, demonstrating that the property will be set at a ground level in order that only the roof and eaves of the property would be visible from the Lydia Road properties. The rear gardens of 69 and 71 Lydia Road are some 15m long, and are set at a higher ground level than the application site. As such, although the roof and eaves of the proposed dwelling will be visible from these properties, and others in Lydia Road, the property will not harm the residential amenity of those neighbours by blocking light, or having an overbearing impact, or resulting in an unacceptable loss of outlook.
- 3.11 Occupiers of two properties in Sydney Road have claimed that the proposal would encroach over a section of the track that they themselves have access over, according to their deeds. Members will appreciate that the Local Planning Authority should not be called upon to adjudicate in private ownership disputes. Notwithstanding, and in response to this the applicant has provided documentary evidence in the form of copies of the deeds of 32, 33 and 34 Sydney Road (directly opposite the location of the proposed dwelling), which appears to demonstrate that the access track to which these residents have the right to pass over is 10 feet wide, and that the proposal will not encroach on the access track.

The Amenity of Prospective Occupants

- 3.12 The property provides a good standard of accommodation, with generous internal accommodation, bin storage, car parking, bike storage, and a substantial private garden. The property would not be overlooked, and being in an established residential area, would not be exposed to potential noise pollution from incompatible adjoining land uses.

Ground Water Protection

- 3.13 For minor developments such as this, the Environment Agency standing advice and ground water protection policies require measures to be taken to ensure that surface run off does not pollute the vulnerable ground water source. The submitted plans indicate that soakaways will be provided to deal with surface water, and that the soakaway serving the drive will have an oil interceptor. This is acceptable and can be controlled by condition.

Ecology

- 3.14 The ecological survey submitted with the application and dated May 2017 states that the vegetation on the site is of low botanical interest, typical of disturbed land in this part of Kent. There is a good potential

for reptiles, and a reptile survey is required prior to development. Scrub and hedge clearance should be done outside the bird nesting season, or, if done within this season, the work will need to be supervised by a qualified ecologist. There appears to be no significant bat, amphibian or dormice interest. No badger setts or tracks were found. To minimise the risk to hedgehogs, wildlife friendly gully pots should be used, and drainage within the site should follow Sustainable Urban Drainage Guidelines (CIRIA 2015). All of these requirements can be controlled by conditions and informatives.

4. **Conclusion**

- 4.1 As the site currently stands, it does not make best use of urban land, being used for fly tipping and the dumping of garden waste. As the number of letters of support demonstrates, there is a good degree of local support for the development of the site.
- 4.2 Members will note that, as detailed in the Relevant Planning History section of this report, planning permission has three times been refused for the erection of two bungalows on the plot. However, the single bungalow now proposed is appropriate in size, scale, location and design, and would make best use of this urban land.
- 4.3 The proposed dwelling is a quality proposal, which would provide valuable residential accommodation for the future, in an urban area, where services and amenities are in place. Accordingly, the proposal is considered to be sustainable development.
- 4.4 The objection from the Town Council and residents has been considered. However, there being no unacceptable identified harm to residential or visual amenity, the proposal is considered acceptable, in accordance with policies identified in this report.

g) **Recommendation**

- I PERMISSION BE granted with the following conditions: i) Commencement of development within three years; ii) Development in accordance with approved plans; iii) Material samples to be submitted; iv) Reptile survey conducted and mitigation measures implemented prior to development; v) No surface water to be discharged into the foul sewage system; vi) Details of an oil interceptor to be submitted prior to commencement of development; vii) Wheel washing of construction vehicles; viii) Permitted development right removed to prevent roof lights being inserted in the roof slope on the elevation facing Lydia Road; ix) The retaining wall and fence next to the Lydia Road boundary shall be erected prior to the first occupation of the dwelling;
- II Powers to be delegated to the Regeneration and Delivery Manager to settle any unnecessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer: Maxine Hall