

a) **DOV/17/00832 – Erection of detached dwelling - Land at Belvedere Gardens, Deal**

Reason for report: Number of contrary views.

b) **Summary of Recommendation**

Planning Permission be granted.

c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – Requires that the location and scale of development complies with the Settlement Hierarchy. Deal is identified as a District Centre, which is the secondary focus for development in the District; suitable for urban scale development.
- CP6 - Development that generates a demand for infrastructure will only be permitted if the necessary infrastructure is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- 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 - Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- 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.

National Planning Policy Framework (NPPF)

- The NPPF has 12 core principles which, amongst other things, seeks to: proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs; secure high quality design and a good standard of amenity for all existing and future residents; to reduce pollution; and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- Chapter four of the NPPF seeks to promote sustainable transport. In particular, paragraph 29 states that "the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel".
- Chapter six of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years' worth of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

- Chapter seven requires good design, which is a key aspect of sustainable development.

The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development.

d) **Relevant Planning History**

DOV/15/00327 – Erection of 9 chalet bungalows, associated parking and vehicular access – Granted

DOV/16/00998 – Erection of two detached dwellings and creation of parking – Refused and Dismissed at Appeal

DOV/16/01038 – Variation of condition 2 of planning permission DOV/15/00327 to allow amendments to the approved plans (amendments to the rear dormer roof extensions on chalet bungalows and alterations to fenestrations) (section 73 application) – Refused and Allowed at Appeal

DOV/17/00194 – Variation of condition 2 of planning permission DOV/15/00327 to allow amendments to the approved plans (amendments to the rear dormer roof extensions on chalet bungalows and alterations to fenestrations) (section 73 application) – Refused

DOV/17/00514 - Variation of condition 2 of planning permission DOV/15/00327 to allow changes to approved plans (application under section 73) - Granted

In addition to the above applications, the following applications, which relate to neighbouring sites, are of note in the assessment of the current application.

210 Middle Deal Road, Deal (Rear of Site with Access Proposed off Foster Way)

DOV/04/01318 – 2No. detached two storey 3 bedroom houses – Granted

Land Rear of 41 Dola Avenue, Deal

DOV/04/01287 – Erection of two detached bungalows – Refused and Dismissed at Appeal.

DOV/06/01461 – Erection of one detached chalet bungalow – Refused and Allowed at Appeal.

e) **Consultee and Third Party Responses**

KCC PRow – Public Right of Way ED21 passes directly adjacent to the proposed site. Although the proposal is for the erection of a dwelling directly adjacent to the public footpath, there is unlikely to be a significant impact to the footpath. Therefore, no objection is raised. The development should be carried out in a manner which avoids disturbance or obstruction of the PRow

Southern Water – Southern Water require a formal application for connection to the public foul sewer. Soakaways should be adequate to dispose of surface water.

Deal Town Council – No objection

Public Representations – Twenty letters of objection have been received, raising the following concerns:

- There is insufficient room to accommodate the development.
- Overdevelopment
- Sense of enclosure
- Loss of privacy
- Insufficient car parking and harm to the local highway network
- The benefit of one additional dwelling is very limited
- This application does not overcome the reasons for refusal cited by the Inspector
- The site should be a garden and should be kept tidy by the builder
- A new dwelling should not be permitted on the basis that the site is untidy
- Increased risk of flooding

In addition twenty-seven letters of support have been received, raising the following points:

- The dwelling would be located on land which is currently derelict which has been used as a dumping area
- The development would lead to only a negligible loss of view
- The development will improve the character and appearance of the development
- There is a need for more small, attainable housing

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

- 1.1 The site lies within a wholly residential area of Deal. The area has a mixed character with linear and perimeter block development to the south east and winding cul-de-sacs to the north west. The scale and form of development is equally varied, with a mixture of detached, semi-detached and terraced properties of one, one and a half or two storeys in height.
- 1.2 The site itself contains one detached bungalow facing towards Dola Avenue to the north east whilst, in its former garden, planning permission has been granted, under application number DOV/15/00327, for the erection of nine dwellings which appear to have been completed. A variation of condition application has been granted and a variation of condition application has been allowed at appeal, pursuant to DOV/15/00327 and it is understood that it is the later of these which has been implemented. A Public Right of Way (ED21) runs along the north east boundary of the site.
- 1.3 This application seeks permission for the erection of one detached bungalow which would be located towards the Dola Avenue (north east) end of the site. The dwelling would be provided with one car parking space which would be served by the access road which has been constructed to serve the nine dwellings already permitted. It is important to note that the dwelling which is the subject of the current application is similar to one of the two dwellings which was refused and subsequently dismissed at appeal, under application number DOV/16/00998. In determining that appeal, the Inspector concluded that the proposed property which is similar to that which is currently being considered would not cause harm to the character and appearance of the area and would not cause any significant loss of light to neighbouring properties. The Inspector did, however, conclude that the dwelling and its boundary treatment would cause a sense of enclosure to, and loss of outlook from, No.43 Dola Avenue. The dwelling proposed within the current application is identical to the dwelling considered by the Inspector; however, it has been relocated on the site so that it is approximately 0.9m further away from No.43 and around 2m closer to the

access road serving the development. The Inspectors decision and the changes which have been made will be important considerations in the assessment of this application.

2 **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area
- The impact on the local highway network
- The impact on living conditions

Assessment

Principle

2.2 The site lies within the settlement confines of Deal, as defined by the Proposals Map. Within this area, having regard for Policy DM1, the principle of the proposed development is acceptable subject to other material considerations.

Character and Appearance

2.3 Application DOV/15/00327 on submission proposed the erection of ten dwellings which comprised the nine dwellings which were subsequently approved and one additional dwelling which was forward of the front elevation of 43 Dola Avenue, similar to the dwelling which is now proposed. That application was amended to remove this dwelling following concerns which were raised and the application was subsequently granted. This additional dwelling, which this application now seeks permission for, is essentially the same as the dwelling which was previously removed, being of the same size and design and being in a similar (albeit slightly amended) location.

2.4 Application DOV/16/00998 also sought permission for a dwelling on this plot, together with a further dwelling around 130m to the south west. That application was refused, in part, due to the harm which would be caused by the dwelling to the character and appearance of the area. In particular, it was considered by officers that the dwelling would be in a prominent and uncharacteristic location, creating a cramped group of dwellings. This refusal was, subsequently, taken to appeal. In dismissing the appeal, the Inspector disagreed that the dwelling would cause harm to the character and appearance of the area, considering that, due to its scale, the partial screening provided by the boundary wall and being set back from the access road serving the development, it would not be prominent in the street scene and no more prominent than Marballing to the south. Consequently, the Inspector concluded that he was “not persuaded that the introduction of the additional modest bungalow here would be significantly detrimental to the character and appearance of the development or its surroundings”.

2.5 The current application scheme proposes a dwelling of the same design as that considered by the Inspector; however its position on the plot has altered. The dwelling is now located around 0.9m closer to the north eastern boundary of the site, which adjoins the PRow, and around 2m closer to the south eastern boundary of the site, which adjoins the access road. Whilst this relocation would result in the building being slightly more visible through the access to the site than the dwellings considered by the Inspector, it would remain approximately in line with the front elevation of Marballing. The building would also remain partially concealed by the boundary wall. Attaching significant weight to the reasoning of

the Inspector, it is not considered that the modest relocation of the building would result in a development which causes greater harm to the character and appearance of the area than the appeal scheme. Consequently, it is not considered that a refusal by reason of the developments impact on character and appearance could be sustained.

- 2.6 In accordance with the officer's findings in relation to application DOV/16/00998, it is considered that the detailed design of the dwelling would respond to that of the adjoining approved No.4 and is therefore considered to be acceptable.

Impact on Residential Amenity

- 2.7 Application DOV/16/00998 was refused, in part due to the impact of the proposed development of the bungalow on No.43 Dola Avenue (now described as No.4 by the applicant). The reason for refusal cited the location and scale of the fence to the south west of bungalow which, it was considered, would cause an unacceptable loss of light and sense of enclosure to No.43. The Inspector, in dismissing the subsequent appeal, considered that:

“No 43 would become surrounded by dwellings on all sides as a result of the introduction of No.2, which would be likely to result in a significant sense of enclosure that would be detrimental to the living conditions of occupiers of No 43, notwithstanding that a modest area of garden would surround it on all sides. This effect would be exacerbated by the proximity of the 1.8m fence on the boundary with No 2, and to some degree the new bungalow itself, which would reduce the outlook from the principal north east elevation of No 43, albeit it would be principally the sloping roof of No.2 that would be visible above the fence from No.43”.

The Inspector did, however, conclude that the dwelling would not cause a significant loss of natural daylight.

- 2.8 Adopting the Inspectors assessment, which is a material consideration of substantial weight, the only matter to consider is whether the application has overcome the harm caused to the living conditions of No.43 in respect of the sense of enclosure which would have been experienced by the previous scheme, it having been concluded that an unacceptable loss of light would not be caused.
- 2.9 The current scheme has been amended since the appeal was considered, with the dwelling being relocated around 0.9m further away from the north eastern elevation of No.43. The fence, which drew particular criticism from the Inspector, remains in the same location. However, this fence has since been erected under permitted development rights. Consequently, the fence proposed by the application would not cause any additional sense of enclosure compared to the current situation. The Inspector considered that the location of the dwelling itself would have reduced the outlook from the principal elevation of No.43 “to some degree”. The relocation of the dwelling, albeit only by 0.9m, would increase the separation distance between the proposed dwelling and No.43 from around 6.1m to 7m, albeit the proposed dwelling would be directly opposite the north eastern elevation of No.43. Given this increase in separation distance, and having regard for the relatively low height of the proposed dwelling and the limited harm identified by the Inspector in relation to the dwelling itself, it is not considered that the dwelling would significantly reduce outlook from, or sense of enclosure to, No.43.

Living Conditions of Future Occupiers

- 2.10 The dwelling proposed would be of a reasonable size, would be naturally lit and ventilated and would have access to a private external amenity area. An area is shown on the submitted drawings for the convenient and discrete storage of refuse. Consequently, it is considered that the living conditions of future occupiers would be acceptable.

Impact on the Highway

- 2.11 The proposed development would be served by the access which was granted under previous applications for nine dwellings, linking the site to Dola Avenue, when it was considered to be acceptable. The approved access includes the provision of 2m by 3m visibility splays to either side of the access, allowing views of pedestrians using the PRow which crosses the site entrance, and a raised table, whilst the road would be of sufficient width to provide access and turning space.
- 2.12 It has been noted that the roads within the locality provide very limited opportunities for on-street car parking and it is therefore concluded that the development cannot rely on on-street car parking. The approved development would provide thirteen spaces for the proposed dwellings (one per dwelling plus four visitor spaces).
- 2.13 The site is considered to be within a suburban location where, having regard for the guidance for car parking provision outlined in Table 1.1 of the Core Strategy, two bedroom dwellings will be expected to be provided with one allocated car parking space, together with 0.2 spaces per dwelling for visitors. As such, the development is required to provide one car parking space, together with 0.2 visitor spaces. The submitted plans demonstrate that one off-street car parking space would be provided for the dwelling. Whilst no additional provision is made for visitors, the relevant test, found at paragraph 32 of the NPPF, states that "development should only be prevented or refused or transport grounds where the residual cumulative impacts of development are severe". It is not considered that the inability to provide 0.2 visitor spaces could be argued to cause severe residual cumulative impacts. The previous application which was considered by the Inspector also provided one car parking space and was not refused or dismissed on highways grounds.
- 2.14 Having regard for the existing and proposed development, it is considered that the car parking provision would be sufficient to meet the needs of the development, without causing severe harm to the local highway network.
- 2.15 The proposal shows the provision for the parking of bicycles, comprising a vertical cycle storage to the rear of the building. Without evidence to the contrary, it appears that this system would allow for one cycle to be stored, less than the one space per bedroom which is sought by KCC SPG4. However, whilst this under provision is regrettable, it is not considered that it would reasonably warrant the refusal of the application. The cycle parking shown should, however, be secured by condition.
- 2.16 Whilst access to the site is considered to be acceptable, access by large lorries and construction vehicles along the relatively narrow section of Dola Avenue is constrained, whilst the site itself is relatively small, providing only limited opportunities to load and offload vehicles, store materials and park construction workers vehicles. It is considered that, in order to ensure that the development does not cause harm to the neighbouring roads and the living conditions of neighbours, a condition should be included in any grant of permission requiring that a construction management plan is submitted for approval.

2.17 Subject to conditions being attached to any grant of permission, it is considered that the development would cause no harm to highway safety, the free-flow of traffic or the convenience of road users.

Drainage

2.18 The proposal seeks to discharge ground water runoff via soakaways. The site lies in an area where groundwater is located at a relatively shallow depth, reducing the grounds ability to quickly drain away water. Ground investigations have taken place in relation to previous applications for the site to establish the permeability of the ground. Whilst full details of the proposed surface water drainage system have not been provided for this application, the previous application for the site was supported by such information, where it was demonstrated that the site could accommodate the necessary drainage.

2.19 Whilst the proposed development would utilise more of the site than the previous application (increasing its impermeable area), the permeable hardstanding and garden areas would remain of sufficient size to meet the needs of the development. It is recommended that a condition is attached to any grant of permission requiring the submission of full details of a surface water drainage scheme.

Overall Conclusions

2.20 The principle of the proposal is supported, providing an additional dwelling which would contribute towards the housing land supply. Furthermore, it is considered that the application has overcome the reasons for the dismissal of application DOV/16/00998, causing no unacceptable loss of outlook from or sense of enclosure to No.43 Dola Avenue, now known as No.4 Belvedere Gardens. The changes to the scheme have not introduced any additional concerns. Consequently, subject to conditions, it is therefore recommended that planning permission be granted.

g) **Recommendation**

I Planning Permission BE GRANTED subject to conditions to include:-

(1) approved plans; (2) provision and retention of car parking; and (4) provision and retention of cycle parking.

II Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Luke Blaskett