

- a) **DOV/16/01342 - Reserved matters application for siting, design, appearance, access and landscaping pursuant to outline permission DOV/14/00494 for the erection of a detached dwelling and construction of a vehicular access - Land adjacent to the Hope Inn, Canterbury Road, Lydden**

Reason for report: Referred to Committee due to the level of public interest.

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 DM12 - Planning applications that would involve the construction of a new access or the increased use of an existing access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of crashes or traffic delays unless the proposals can incorporate measures that provide sufficient mitigation.

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.

National Planning Policy Framework (NPPF)

The NPPF states that at its heart is the 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.

- Paragraph 14 sets out the presumption in favour of sustainable development. This is set out in full in the Overall Conclusions section at the end of this report.
- Paragraph 17 sets out 12 core principles which amongst the others seek to secure high quality design and a good standard of amenity for all existing and future residents.
- Section 1 sets out the needs of building a strong, competitive economy.
- Section 6: Delivering a wide choice of high quality homes
- Section 7: Requiring a good design
- Section 11: Conserving and enhancing the natural environment.

National Planning Policy Guidance

This provides guidance relating to matters contained within the NPPF.

d) **Relevant Planning History**

The relevant history is summarised below:

DOV/06/0338 – Erection of 5 dwellings and the erection of a detached building for 4 holiday apartments, public house car park and alterations to existing vehicular access – Refused.

DOV/07/0241 - Erection of 5 dwellings, public house car park and alterations to existing vehicular access – Refused.

DOV/09/00645 - Erection of four dwellings, public house car park and alterations to existing vehicular access – Withdrawn.

DOV/10/00486 - Partial demolition of existing single storey side extension – Granted.

DOV/10/0488 - Erection of four dwellings and construction of vehicular access, together with car parking for the public house – Granted.

DOV/13/00604 - S73 to vary Condition 2 to change plots 1 and 2 from a semi detached pair into two detached dwellings and alterations to the parking layout – Granted.

DOV/14/00249 - Erection of two detached dwellings and creation of vehicular access – Granted.

DOV/14/00493 - Related case – adjacent to this application site and elsewhere on papers – change of use and conversion to a single residential dwelling, erection of a detached garage and construction of a vehicular access.

DOV/14/00494 - Outline application for the erection of a detached dwelling and construction of a vehicular access – Granted.

**e) Third Party and Consultee Comments**

**Kent County Council Highways** – No comment.

**KCC Public Right of Way** – No comment.

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

- The Parish Council are aware that outline planning consent has already been granted for this site, however oppose to the type of dwelling that has been proposed as part of this Reserved Matters application.
- Residents living alongside the proposed build have already expressed their concerns related to the size of the property, the location of the windows and the fact that it will have a detrimental effect on their well-being.
- The plot is relatively small and the current design comes almost to the boundaries. During the building phase there will also be considerable inconvenience caused to the residents of the neighbouring properties.
- The impact of this build would be detrimental to the village.
- The increased vehicle traffic would also impact considerably on this already busy area. In conclusion the Parish Council would urge the officer to request that the applicant makes significant amendments to the proposed build, that are more in keeping with the size of the plot and taking account of the neighbouring properties.
- Following discussions with Officers, the scheme was amended in order to reduce the scale and bulk of development. The Parish Council were reconsulted and continued to object to the development by virtue of the height of the dwelling and overdevelopment on site.

The application was advertised and then re-advertised with the submission of amended plans. To date, a total of 20 letters of representation have been received, 11 objection and 8 in support.

The letters of objections are summarised below:

- Area is at capacity and cannot fit anymore development within it.
- Small plot not suitable for a dwelling and the proposed dwelling is too large for plot.
- Limited green space and create an urban feel to the area.
- Development would be cramped and overdeveloped.
- Balconies on plots 3 and 4 will cause overlooking issues for future residents.
- Disruption during construction.
- The dwelling would invade privacy by overlooking and the dwelling would appear overbearing.

The letters of support are summarised below:

- Sympathetically designed dwelling that fits within the area.
- The development needs this property to complete the space and would complete the development.

### **The Site and Proposal**

1. The application site relates to the retained car park area immediately to the rear of the former Hope Inn Pub building, which is been converted to a four bedroom dwelling under planning permission (DOV/14/00493).
2. The site is rectangular in shape, curving round to the north east corner. A public footpath runs alongside the western boundary of the site, bound by a row of Sycamore, Ash and field Maple trees along the footpath. In terms of topography, the land slopes down to the north and due to the slope and the trees along the public footpath, the site is not readily seen from along the footpath.
3. A larger car park area originally adjoined the pub to the east, however planning permission was granted for four 2 storey detached units on this land (ref DOV/10/00488). This development has now been completed.
4. The application site has outline planning permission for a 4 bedroom dwelling, including a detached garage and access, and this application seeks approval of the reserved matters of siting, design, appearance, access and landscaping
5. During the life of the application and following discussions with the Council, the plans have been amended in order to reduce the scale, bulk and mass of the proposed dwelling.

### **Main Issues**

6. The main issues for consideration in the determination of this application are:

- Principle of Development
- Siting
- Design and Appearance
- Access
- Landscaping

### **Assessment**

#### Principle of Development

7. 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.
8. The principle of developing this site for the erection of one dwelling has been established through the approval of outline permission DOV/14/00494. This application cannot readdress the principle of development, but can only consider the matters not considered at the outline stage, in this case, matters of siting, design appearance, access and landscaping.
9. In this regard, a number of objections relate to the principle of development and the principle of a new dwelling on site, however as stated above, the principle of a new detached dwelling has been established and this application relates to the detail of development. The reserved matters are considered below.

#### Siting

10. The proposed indicative plans submitted as part of the outline application showed the proposed dwelling situated between the former Hope Inn and the dwellings approved as part of DOV/10/00488, accessed off the shared access road for the existing approved development, with a garden area to the rear. This was to ensure the proposal would not encroach any further into the open countryside, impact existing mature trees along the western boundary or impact the character of the area.
11. Likewise, the indicative plans as part of the outline showed the dwelling and detached garage facing onto the proposed shared access road, positioned to follow the building line of the approved detached garage as part of permission DOV/14/00493.
12. The currently proposed dwelling is situated in a similar position to that envisaged at the outline stage, with surface parking provided to the front of the dwelling, and garden space to the rear, however in order to reduce the sprawl and amount of development, the garage is now attached to the dwelling and moved off the southern boundary.
13. We note that a number of objections relate to the amount of development on site and suggest that the resultant development would result in a cramped and overdeveloped site, however the proposed development is of similar size to that envisaged at the outline stage and the garage is now attached to the dwelling. The proposed dwelling has a reasonable sized garden within the plot and is situated sufficient distance from the site boundaries. As such there is not considered to be any reasonable grounds to refuse on the basis of overdevelopment.
14. In terms of impact on residential amenity, the dwelling is situated at a sufficient distance from surrounding properties and is positioned to face onto the shared access road, beyond which is Canterbury Road; as such the proposed development is not considered to directly overlook any neighbouring properties. The north elevation facing onto plots 3 and 4 approved under permission DOV/10/0488 has no windows within the first floor to ensure no overlooking, and a 1.8m timber close boarded fence is proposed around the northern boundary to ensure no visual intrusion at ground floor level. The first floor window on the rear elevation serving bedroom 4 is not considered to cause significant overlooking issues to residents of the former Hope Inn as identified by the 45 degree line of

view on the proposed block plan, and the window serving the ensuite is obscure glazed. The south elevation facing onto the former Hope Inn has one first floor window; this serves the ensuite of bedroom 3 and is proposed to be obscure glazed to ensure no visual intrusion issues arise. Furthermore the existing 1.8m timber fence is to be retained between the existing and proposed dwelling to ensure no overlooking from the ground floor or garden area.

15. As such accordance with paragraph 17 of the NPPF which seeks to secure a good standard of amenity for all existing and future occupants of land and building, by virtue of the siting, sufficient separation distance, positioning of windows, use of obscure glazed (which will be conditioned) and boundary treatments, the proposed development is not considered to result in overlooking, loss of privacy or visual intrusion that would harm the amenity of future or neighbouring properties.
16. In summary, the siting of development complies with that proposed at the outline, and as such is considered entirely acceptable.

#### Design and Appearance

17. Paragraph 58 of the NPPF states planning decisions should aim to ensure that developments will function well, add to the overall quality of the area, establish a strong sense of place, respond to local character and history, and reflect the identity of local surroundings and materials, whilst not preventing or discouraging appropriate innovation. Likewise developments should be visually attractive as a result of good architecture and appropriate landscaping.
18. The proposed dwelling is a two storey detached property of red brick and white timber clad (to match exterior of the former Hope Inn building) construction, with clay tiled hipped roof. The front elevation comprises a single lead gable end, with the remaining frontage set back from this.
19. Whilst some consultees have raised with regards to the height of development, during the determination of the outline planning application, the Council accepted that a two storey dwelling of approx. 7m in height is appropriate. It would be slightly lower than that of the Hope Inn building and given the slope in the land it was considered that a dwelling of this height would be acceptable, subject to suitable design.
20. The proposed dwelling is two storey dwelling, with a ridge height of 7.775m. The height of development is similar to that considered appropriate at the outline stage, and the front gable end reflects the form of dwellings to the rear of the site and is therefore considered appropriate. Furthermore as illustrated on the street scene plan, the proposed dwelling is lower than the former Hope Inn, and therefore it would be hard to refuse planning permission on the basis of height.
21. In terms of appearance the proposed palette of materials is considered appropriate, and reflects surrounding development.

#### Access

22. Access to the site will be achieved via the existing shared access off Canterbury Road which was constructed under planning permission DOV/14/00493. This is an existing access and is considered acceptable to serve the proposed dwelling.

23. In terms of parking, policy DM13 states that the provision of parking should be a design led process, based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for residential development should be informed by the guidance in the Table for Residential Parking. This confirms that four bedroom dwellings in village locations require a minimum of 2 independently accessible car parking spaces.
24. The proposed development provides 3no. car parking spaces, one accommodated in the integral garage and the other two on the designated off street parking area to the front of the dwelling. As such adequate and appropriate car parking has been provided in line with local policy.
25. Kent County Council were consulted and made no comments, and therefore from a highway point of view, the proposed means of parking and access is considered acceptable.

#### Landscaping

26. In terms of boundary treatments, the existing 1.8m timber close boarded fence along the southern boundary will be retained between the proposed dwelling and the converted Hope Inn. A 1.8m timber close boarded fence is proposed along the western and north boundary of the site to provide a private rear garden and retain privacy between the proposed development and dwellings to the north of the site. The eastern boundary will be partially fencing with a low 1.2m timber close boarded fence along the front garden, with the majority of this frontage remaining open.
27. In terms of landscaping treatment, the front and rear gardens will be laid to grass, with one new tree proposed within the rear garden, as induced on the landscaping plan. The patio will be covered in grey stone pavers to match those used around the former Hope Inn. The proposed driveway to the front is proposed to be laid in grey block pavers to reflect the surrounding surfaces.

#### Conclusion

28. The proposed development complies with the principles established at the outline stage and for reasons set out above is acceptable by means of siting, design appearance, access and landscaping It is therefore recommended planning permission be granted subject to the following conditions.

#### Recommendation

- I Grant planning permission subject to conditions to include:
- 1) Time limits (reserved matters)
  - 2) Plans in accordance
  - 3) Obscure glazing windows
  - 4) Parking be used for parking
  - 5) Boundary treatments be retained
  - 6) Drainage details prior to commencement
  - 7) Limit working hours
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary matters and conditions in line with issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Chris Hawkins