

DOVER DISTRICT COUNCIL

PLANNING COMMITTEE – 13 JUNE 2013

REPORT OF THE REGENERATION AND DEVELOPMENT MANAGER

- a) **DOV/13/0142 – Outline application for the erection of a detached chalet bungalow, Pine Cottage, Manor Avenue, Deal.**

Reason for report: The number of third party contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Dover District Local Plan (DDLPL)

- 'Saved' Policy HS2 states that on unallocated sites within the urban confines, housing development will be permitted provided housing is the most suitable use.

Dover District Core Strategy (CS)

- Policy CP5 requires all new residential dwellings to be built to Code for Sustainable Homes level 4.
- Policy DM13 states that provision for parking should be a design-led approach based upon the characteristics of the area, the nature of the development and design objectives.

National Planning Policy Framework (NPPF)

- The NPPF has 12 core principles, which amongst other things always seek to secure high quality design and a good standard of amenity for all existing and future occupants.

The Kent Design Guide (KDG)

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

- d) **Relevant Planning History**

There is no recent planning history.

- e) **Consultee and Third Party Responses**

KCC Highways: Comments awaited

Southern Water: Comments awaited

Deal Town Council: Objects; needs more details to make a decision as the applicant failed to provide any elevations for the proposal.

Public Representation: Four letters of objection have been received raising the following material concerns, summarized as follows:

- Not in keeping with the spatial character;
- Close proximity to neighbouring properties;
- It would set a precedent;
- Inadequate car parking provision;
- Mature trees may be removed or harmed, detrimental to the character of the area;
- Would harm existing wildlife;
- There is already problems with the sewerage system;
- Asbestos tiles were left in the garden which may result in contamination;
- The plans are inaccurate;
- The plot is too small;
- Gardens are no longer brownfield sites;
- Over-looking and a loss of privacy;
- Loss of light;
- Existing dwellings are individual in style;
- Increasing the density would ruin the character of the area;
- The proposed footprint is too small and would look out of character; and
- Loss of car parking to the existing dwelling.

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

1.1 The site is situated within the urban confines of Deal within a wholly residential area. Manor Road is a private road and the site forms the severed side garden to a dwelling known as 'Pine Cottage'.

1.2 Manor Road is characterised by an eclectic range of dwellings including detached bungalows and two storey buildings. All are unique in design and vary in age. Manor Road has a sylvan appearance, which is created by the spacing between the dwellings, the soft landscaping to the front and side boundaries and the grass verge in front of the dwellings.

1.3 The application site would occupy the south western side garden of 'Pine Cottage'. It would have a road frontage of approximately 12.5m and a depth of approximately 36m. It currently is a mature garden and accommodates a single garage. There are a number of mature trees surrounding the application site but not within it and a hedgerow along the street frontage.

1.4 'Pine Cottage' is a bungalow with white render elevations under a slate roof with red ridge tiles. 'Leyswood', which is situated to the south of the application site, is a two storey dwelling. It has red/brown brick elevations under a red clay tile hipped roof. It is located in close proximity to the site boundary, which is a low brick boundary wall.

1.5 Outline planning permission is being sought for the erection of a detached bungalow. All matters (access, appearance, landscaping, layout and scale) are reserved for future consideration. As of the 31<sup>st</sup> January 2013, the amount of information required to be submitted with an outline application was significantly reduced and it is no longer necessary for the applicant to specify the location of the building, routes and open spaces or the upper and lower limit for the height, width and length of each building included in the development proposed.

1.6 The application does advise that the dwelling would be a chalet bungalow with 3 bedrooms and the footprint would be approximately 9m x 12m. An indicative site plan shows that the new dwelling would share the same front building line as 'Pine Cottage' and 'Leyswood'.

1.5 *Plans will be on display.*

## 2. **Main Issues**

2.1 The main issues in the consideration of this application are:

- The principle of development;
- Impact on visual amenity;
- Impact on highway safety; and
- Other matters.

## 3. **Assessment**

### Principle

3.1 The residential development would be located within the confines of Deal. Saved local plan policy HS2 allows residential development within the confines where it is the most compatible form of land use.

3.2 The NPPF states that garden land is not previously developed land and as such there is not a presumption in favour of the development of sites such as these. The NPPF makes it clear that all decisions should be made in accordance with the development plan. Thus, because the site is located within the confines and within a residential area, the proposal would be in accordance with policy HS2 of the DDLP. There are no policies within the CS that would prohibit this form of development. It therefore has to be accepted that the principle of development is acceptable.

### Visual Amenity

3.2 A fundamental element of the character of the street scene and the wider area is the ample space between the buildings and the space between the front building line and the back edge of the public highway. The separation distances vary between the existing buildings by some 1m -18m. The proposed dwelling as indicated has been set away from the flank elevation of 'Leyswood' by approximately 3m and from 'Pine Cottage' by approximately 5m. The rear elevation of the dwelling would also be approximately 20m from the eastern (rear)

boundary. A front garden of approximately 8m would be retained, the front gardens generally in the area are well vegetated and have a depth of approximately 8m. The proposed dwelling would share the same building line as the adjacent two dwellings. The spacing between the dwelling and the overall size of plot would be comparable to those at 'The Limes', 'Clevelands' and 'Pine Cottage' also 'The Trees' and 'Wychwood' situated to the south of the site. It is therefore advised that the proposed siting of the development would respect the spatial layout and character of this road. Although the development would increase the density of the area, the siting would retain the general openness of the site.

- 3.3 In addition, the trees surrounding the site would be retained, however it is advised that if Members are minded to grant permission a condition is imposed requiring a plan showing the root protection area (RPA) of all trees surrounding the site and for hand digging of foundations within the RPA. These measures should ensure the well being and future retention of the trees which add to and enhance the character of the area.
- 3.4 An attractive front hedgerow is located in front of 'Pine Cottage'. It should not impinge on the position of the proposed vehicle access and thus can be retained; it is advised that a condition be imposed to ensure the retention of the hedgerow.
- 3.5 A 3m wide vehicle access has been indicated. It is possible that this opening could be reduced to 2.5m, which would be a matter for discussion during the consideration of the reserved matters. It is expected that the car parking would be provided within the front garden area, together with the replacement of car parking for the existing dwelling. In accordance with policy DM13 of the CS, two car parking spaces per dwelling should be provided. The policy does state that this provision is 'a starting point' and that the provision should be a design-led approach. There is no reason in principle that adequate car parking provision cannot be accommodated within the site, without causing a detrimental impact on the visual appearance of the street scene. The layout and appearance of the site is a reserved matter and the details will be finalised at a later stage.
- 3.6 As all matters are reserved for future consideration, no details relating to the design and appearance have been submitted. It is considered possible that a dwelling of suitable architectural detailing and materials could be designed for this site.
- 3.7 It is considered that this site could accommodate a dwelling which would not be harmful to the character and appearance of the street scene.

#### Residential Amenity

- 3.8 This application is in outline form with all details reserved for future consideration. Indicative floor plans have been submitted, which show that windows would be in the first floor side elevations. There is no reason why a chalet bungalow cannot be designed without side facing windows. A condition could be imposed to prevent windows in the side

elevations at first floor level in order to prevent overlooking or the perception of over looking.

- 3.9 The dwelling would be situated to the north of 'Leyswood' and to the south of 'Pine Cottage'. The indicative block plan shows that the dwelling would not project beyond the rear or front building line of these dwellings and therefore it would not have a significant impact on the residential amenities of these properties.
- 3.10 'Leyswood' has side facing windows which overlook the site. The ground floor kitchen window directly faces the existing garage to be demolished. It is accepted that the dwelling would reduce the outlook from these windows but would not result in a significant loss of light. It has to be considered that the proposal is for a chalet bungalow and a condition could be imposed to restrict the ridge height to 7m.
- 3.11 To the rear (south-east) of the proposed dwelling is the rear garden belonging to no. 44 St Leonards Road and 'Leyswood', which wraps around the rear boundary of the application site. The new dwelling would be some 20m from the common boundary and would be located at the end of a rear garden, which is in excess of 30m. Due to the separation distance, the length of the rear garden and the scale of the dwelling proposed, it is advised that the dwelling would not have an impact on light received or minimize the outlook or result in overlooking, to such an extent that would justify planning permission to be refused.

#### Highway Safety

- 3.12 Local residents have raised concerns relating to the potential for the increase in on-street car parking. Kent Highway Services has been consulted on the application and comments are awaited; they shall be reported verbally to the Planning Committee at the meeting. As advised at paragraph 3.5 above, sufficient car parking could be provided on site and as such there is no reason to consider that this development would result in additional on-street car parking.

#### Other matters

- 3.13 Local residents have stated that the erection of a dwelling would be harmful to wildlife, however, an ample rear garden would be retained, together with the boundary trees. The erection of a dwelling is unlikely to have a significant long term impact on biodiversity.
- 3.14 Policy CP5 of the CS requires all new residential dwellings to be constructed to code for sustainable homes level 4. It is likely that in order to achieve this code level, it will influence the design and the appearance of the site and the dwelling. It is therefore recommended that a condition be imposed requiring a pre-code assessment to be submitted with the reserved matters application.
- 3.15 Local residents have expressed concerns relating to the capacity of the foul sewer and its ability to cope with an additional dwelling. Southern Water has been consulted and their views are awaited and they shall be reported verbally at the meeting.

### Conclusion

- 3.16 The principle of the development is considered to be acceptable and in accordance with the objectives of the NPPF and saved Policy HS2 of the Local Plan. The design of the dwelling is reserved for future consideration but there is no reason why a suitable designed dwelling could not be accommodated on the site, which would not have an adverse impact on residential amenities or the character of the street scene.
- 3.17 Consideration has been given to all other material matters raised by third parties, but none outweigh the conclusion to grant planning permission.
- 3.18 In respect of the Public Sector Equality Duty under the Equality Act, the recommendation is not considered to disproportionately affect any particular group.

### g) Recommendation

- I OUTLINE PERMISSION BE GRANTED, subject to the following conditions:-  
1) Application for reserved matters of a single storey dwelling; 2) plans and particulars to be submitted and carried out as approved; 3) Application for reserved matters to be made within 3 years; 4) The development shall be begun before the expiration of two years; 5) full details of hard and soft landscaping, including boundary treatment; 6) No side windows at first floor level; 7) The ridge height shall not exceed 7m; 8) all landscaping to be carried out within 12 months; 9) landscaping to be replaced within 5 years if it dies or is removed; 10) material samples; 11) space to be laid out for the parking of cars; 12) sight lines at the vehicle access to be provided 2m x 33m to the south; 13) Pre-code assessment to be submitted with reserved matters application; 14) Code for sustainable Homes level 4; 15) Provision of a shed for secure bicycle storage.
- II Powers be delegated to the Regeneration and Delivery Manager to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

### Case Officer

Rachel Humber