

# Public Document Pack



Democratic Services  
White Cliffs Business Park  
Dover  
Kent CT16 3PJ

Telephone: (01304) 821199  
Fax: (01304) 872453  
DX: 6312  
Minicom: (01304) 820115  
Website: [www.dover.gov.uk](http://www.dover.gov.uk)  
e-mail: [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk)

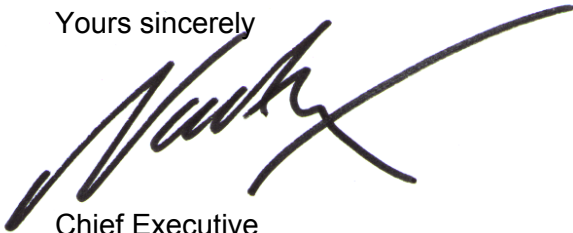
9 May 2018

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **PLANNING COMMITTEE** will be held in the Council Chamber - Council Offices at these Offices on Thursday 17 May 2018 at 6.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Kate Batty-Smith on (01304) 872303 or by e-mail at [kate.batty-smith@dover.gov.uk](mailto:kate.batty-smith@dover.gov.uk).

Yours sincerely



Chief Executive

## Planning Committee Membership:

F J W Scales (Chairman)  
B W Butcher (Vice-Chairman)  
S F Bannister  
P M Beresford  
T A Bond  
D G Cronk  
B Gardner  
D P Murphy  
M J Ovenden  
P M Wallace

## AGENDA

### 1 **APOLOGIES**

To receive any apologies for absence.

### 2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointments of Substitute Members.

3      **DECLARATIONS OF INTEREST** (Page 4)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

4      **MINUTES**

To confirm the Minutes of the meeting of the Committee held on 19 April 2018 (to follow).

5      **ITEMS DEFERRED** (Page 5)

To consider the attached report of the Head of Regeneration and Development.

**ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING**  
(Pages 6 - 9)

6      **APPLICATION NO DOV/18/00317 - LAND REAR OF WINCOLMLEE, 46 SALISBURY ROAD, ST MARGARETS BAY, KENT CT15 6DP** (Pages 10 - 18)

**Outline application for the erection of a detached dwelling**

To consider the attached report of the Head of Regeneration and Development.

7      **APPLICATION NO DOV/17/00996 - UPTON FIELDS, REAR OF MILLFIELDS, COLDRED ROAD, SHEPHERDSWELL, KENT CT15 7LN** (Pages 19 - 28)

**Change of use of land to a stud farm and for the keeping of horses and the erection of 3 no. blocks, containing 9 no. stables, boundary fencing and gates and sub-division of land into 10 no. fenced and gated paddocks (part retrospective)**

To consider the attached report of the Head of Regeneration and Development.

8      **APPLICATION NO DOV/17/00879 - ACCESS & 105 LEWISHAM ROAD, RIVER, KENT CT17 0PA** (Pages 29 - 38)

**Erection of a detached dwelling, formation parking area, demolition of existing garage, demolition of existing conservatory and extension of existing driveway (Amended description, amended drawings, re-advertisement).**

To consider the attached report of the Head of Regeneration and Development.

**ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING**

9      **APPEALS AND INFORMAL HEARINGS**

To receive information relating to Appeals and Informal Hearings, and appoint Members as appropriate.

10      **ACTION TAKEN IN ACCORDANCE WITH THE ORDINARY DECISIONS (COUNCIL BUSINESS) URGENCY PROCEDURE**

To raise any matters of concern in relation to decisions taken under the above procedure and reported on the Official Members' Weekly News.

#### **Access to Meetings and Information**

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website [www.dover.gov.uk](http://www.dover.gov.uk). Minutes are normally published within five working days of each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Kate Batty-Smith, Democratic Services Officer, telephone: (01304) 872303 or email: [kate.batty-smith@dover.gov.uk](mailto:kate.batty-smith@dover.gov.uk) for details.

Large print copies of this agenda can be supplied on request.

**Declarations of Interest****Disclosable Pecuniary Interest (DPI)**

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

**Other Significant Interest (OSI)**

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

**Voluntary Announcement of Other Interests (VAOI)**

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

**Note to the Code:**

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 17 MAY 2018

**CONSIDERATION OF THE FOLLOWING ITEMS HAS BEEN  
DEFERRED AT PREVIOUS MEETINGS**

Members of the Planning Committee are asked to note that the following application(s) have been deferred at previous meetings. Unless specified, these applications are not for determination at the meeting since the reasons for their deferral have not yet been resolved.

- 1. DOV/17/00876      Erection of 120 dwellings, including 36 affordable homes with new vehicular and pedestrian access, internal access roads, car parking, landscaping, provision of 0.84 hectares of open space and a locally equipped area for children's play (LEAP) – Woodnesborough Road, Sandwich (Agenda Item 7 of 22 March 2018)**

**Background Papers:**

Unless otherwise stated, the appropriate application file, the reference of which is stated.

**MIKE EBBS**

Head of Regeneration and Development

The Officer to whom reference should be made concerning inspection of the background papers is Alice Fey, Support Team Supervisor, Planning Section, Council Offices, White Cliffs Business Park, Dover (Tel: 01304 872468).

## **APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING**

### **The Reports**

The file reference number, a description of the proposal and its location are identified under a) of each separate item. The relevant planning policies and guidance and the previous planning history of the site are summarised at c) and d) respectively.

The views of third parties are set out at e); the details of the application and an appraisal of the proposal are set out at f) and each item concludes with a recommendation at g).

**Additional information received prior to the meeting will be reported verbally. In some circumstances this may lead to a change in the recommendation.**

Details of the abbreviated standard conditions, reasons for refusal and informatives may be obtained from the Planning Support Team Supervisor (Tel: 01304 872468).

It should be noted, in respect of points raised by third parties in support of or objecting to applications, that they are incorporated in this report only if they concern material planning considerations.

Each item is accompanied by a plan (for identification purposes only) showing the location of the site and the Ordnance Survey Map reference.

### **Site Visits**

All requests for site visits will be considered on their merits having regard to the likely usefulness to the Committee in reaching a decision.

The following criteria will be used to determine usefulness:

- The matter can only be safely determined after information has been acquired directly from inspecting this site;
- There is a need to further involve the public in the decision-making process as a result of substantial local interest, based on material planning considerations, in the proposals;
- The comments of the applicant or an objector cannot be adequately expressed in writing because of age, infirmity or illiteracy.

The reasons for holding a Committee site visit must be included in the minutes.

### **Background Papers**

Unless otherwise stated, the background papers will be the appropriate file in respect of each application, save any document which discloses exempt information within the meaning of the Local Government (Access to Information) Act 1985.

The Officer to whom reference should be made concerning inspection of the background papers is Alice Fey, Planning Support Team Supervisor, Planning Department, Council Offices, White Cliffs Business Park, Whitfield, Dover CT16 3PJ (Tel: 01304 872468).

## **IMPORTANT**

### **The Committee should have regard to the following preamble during its consideration of all applications on this agenda**

1. Section 70(2) of the Town and Country Planning Act 1990 requires that, in dealing with an application for planning permission, the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that: 'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
3. Planning applications which are in accordance with the relevant policies in the Development Plan should be allowed and applications which are not in accordance with those policies should not be allowed unless material considerations justify granting of planning permission. In deciding such applications, it should always be taken into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance. In all cases where the Development Plan is relevant, it will be necessary to decide whether the proposal is in accordance with the Plan and then to take into account material considerations.
4. In effect, the following approach should be adopted in determining planning applications:
  - (a) if the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan;
  - (b) where there are other material considerations, the Development Plan should be taken as the starting point and the other material considerations should be weighed in reaching a decision;
  - (c) where there are no relevant policies in the Development Plan, the planning application should be determined on its merits in the light of all material considerations; and
  - (d) exceptionally, a development proposal which departs from the Development Plan may be permitted because the contribution of that proposal to some material, local or national need or objective is so significant that it outweighs what the Development Plan says about it.
5. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering planning applications for development affecting a listed building or its setting, special regard shall be had to the desirability of preserving the building, its setting or any features of special architectural or historical interest which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas when considering any applications affecting land or buildings within them. Section 16 requires that, when considering applications for listed building consent, special regard shall be had to the desirability of preserving the listed building, its setting, or features of special architectural or historic interest which it has.
6. Section 38(6) of the 2004 Act does not apply to the determination of applications for advertisement consent, listed building consent or conservation area consent. Applications for advertisement consent can be controlled only in the interests of amenity and public safety. However, regard must be had to policies in the Development Plan (as material considerations) when making such determinations.

### **The Development Plan**

7. The Development Plan in Dover District is comprised of:

Dover District Core Strategy 2010  
Dover District Land Allocations Local Plan 2015  
Dover District Local Plan 2002 (saved policies)  
Worth Neighbourhood Development Plan (2015)  
Kent Minerals and Waste Local Plan 2016

## Human Rights Act 1998

During the processing of all applications and other items and the subsequent preparation of reports and recommendations on this agenda, consideration has been given to the implications of the Human Rights Act 1998 in relation to both applicants and other parties and whether there would be any undue interference in the Convention rights of any person affected by the recommended decision.

The key articles are:-

Article 8 - Right to respect for private and family life, home and correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 1 of the First Protocol - Right of the individual to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

Account may also be taken of:-

Article 6 - Right to a fair trial and public trial within a reasonable time.

Article 10 - Right to free expression.

Article 14 - Prohibition of discrimination.

The Committee needs to bear in mind that its decision may interfere with the rights of particular parties, particularly under Article 8 and Article 1 of the First Protocol. The decision should be a balanced one and taken in the wider public interest, as reflected also in planning policies and other material considerations.

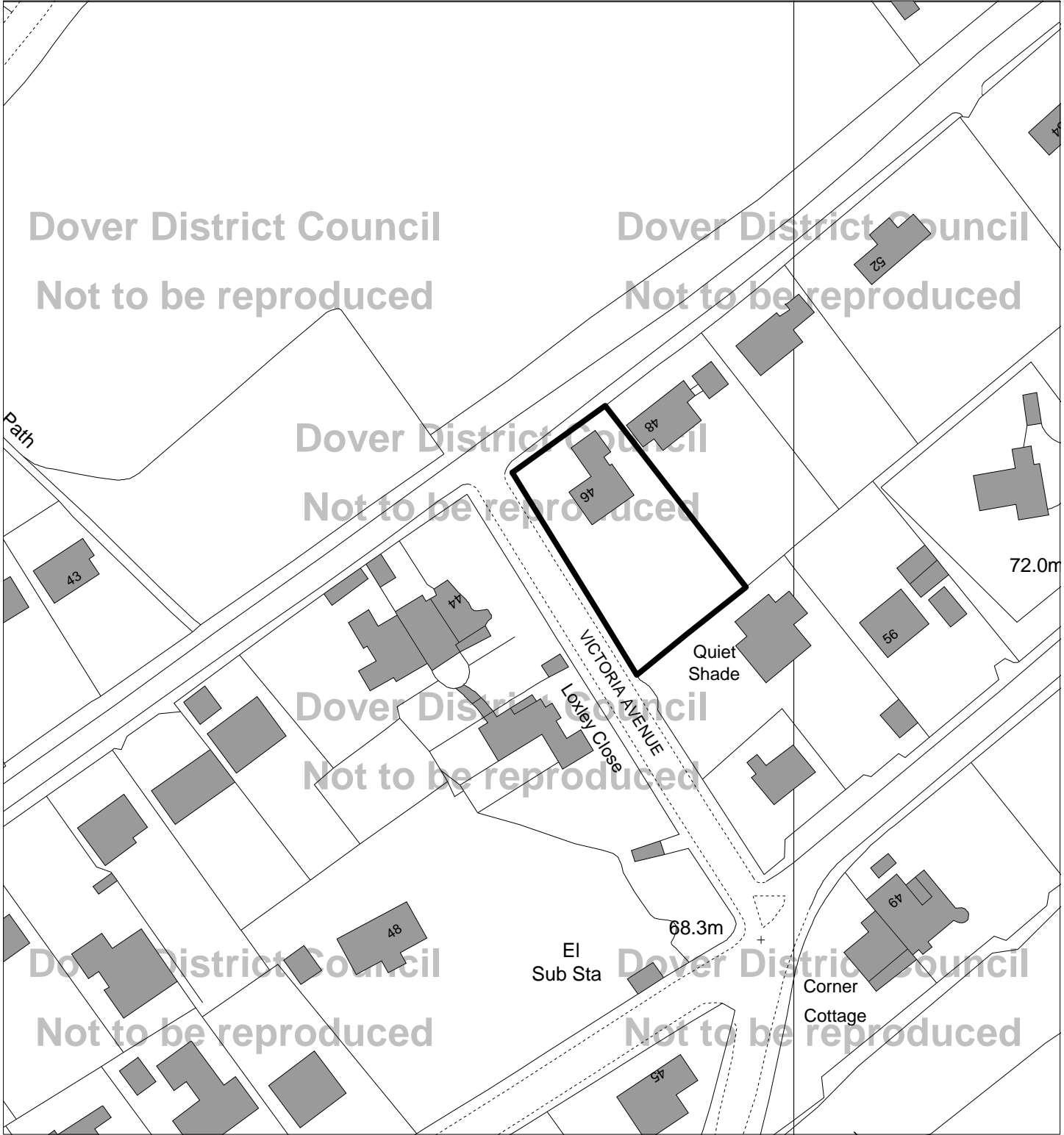
(PTS/PLAN/GEN) HUMANRI



## **PUBLIC SPEAKING AT PLANNING COMMITTEE**

---

1. The scheme for public speaking at Planning Committee only concerns matters relating to the determination of individual applications for planning permission contained in the Planning Committee agenda and not to other matters such as Tree Preservation Orders or Enforcement.
2. The scheme for public speaking will apply at each meeting where an individual application for planning permission is considered by the Planning Committee.
3. Any person wishing to speak at the Planning Committee should submit a written request using this form and indicate clearly whether the speaker is in favour of, or opposed to, the planning application.
4. The form must be returned to Democratic Support no later than two working days prior to the meeting of the Planning Committee.
5. Speaking opportunities will be allocated on a first come, first served basis but with the applicant being given first chance of supporting the scheme. Applicants or agents will be notified of requests to speak. Third parties who have applied to speak will be notified of other requests only when these directly affect their application to speak. The names, addresses and telephone numbers of people who wish to speak may be given to other people who share their views and have expressed a wish to address the Committee. The identified speaker may defer to another at the discretion of the Chairman of the Committee.
6. One person will be allowed to speak in favour of, and one person allowed to speak against, each application. The maximum time limit will be three minutes per speaker. This does not affect a person's right to speak at a site visit if the Committee decides one should be held.
7. Public speakers will not be permitted to distribute photographs or written documents at the Committee meeting.
8. The procedure to be followed when members of the public address the Committee will be as follows:
  - (a) Chairman introduces item.
  - (b) Planning Officer updates as appropriate.
  - (c) Chairman invites the member of the public and Ward Councillor(s) to speak, with the applicant or supporter last.
  - (d) Planning Officer clarifies as appropriate.
  - (e) Committee debates the application.
  - (f) The vote is taken.
9. In addition to the arrangements outlined in paragraph 6 above, District Councillors who are not members of the Committee may be permitted to address the Planning Committee for three minutes in relation to planning applications in their Ward. This is subject to giving formal notice of not less than two working days and advising whether they are for or against the proposals. In the interests of balance, a further three minutes' representation on the contrary point of view will be extended to the identified or an additional speaker. If other District Councillors wish to speak, having given similar notice and with the agreement of the Chairman, this opportunity will be further extended as appropriate.
10. Agenda items will be taken in the order listed.
11. The Chairman may, in exceptional circumstances, alter or amend this procedure as deemed necessary.



**Not to scale**

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controlled of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Dover District Council Licence Number 100019780 published 2018

**Note:** This plan is provided for purposes of site identification only.

**Application: DOV/18/00317**

**Land rear of Wincolmlee**

**46 Salisbury Road**

**St Margarets Bay**

**CT15 6DP**

**TR36964489**

- a) **DOV/18/00317 – Outline application for the erection of a detached dwelling - Land rear of Wincolmlee, 46 Salisbury Road, St Margarets Bay CT15 6DP**

**Reason for report:** Number of contrary views.

- b) **Summary of Recommendation**

Outline planning permission be granted.

- c) **Planning Policies and Guidance**

Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

- Section 72 of the Act requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Core Strategy (CS) Policies

- CP1 identifies St Margaret's at Cliffe as a village that is suitable for a scale of development that would reinforce its role as a provider of services to essentially its home community
- DM1 - Development will be permitted within the settlement boundaries
- 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.

National Planning Policy Framework (NPPF)

- The NPPF has 12 core principles which amongst other things seek to secure high quality design and a good standard of amenity for all existing and future residents.
- NPPF – is relevant as the proposal should seek to be of a high design quality and take the opportunity to improve the visual quality and character of the area. Paragraphs 17, 56-59 and 64 seek to promote good design and resist poor design.
- Paragraph 14 of the NPPF is applicable and requires that development in accordance with the Development Plan should be granted without delay.
- Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable

development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

- The most recent determination by an Inspector at Appeal opined that the Council could not demonstrate a 5 year supply of housing sites. As such, the Council's housing supply policies should not be considered up to date. In this case, the application proposal falls within the village settlement boundary and therefore the principle of granting planning permission for new housing of this scale and location is acceptable.

#### The Kent Design Guide (KDG)

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

#### d) **Relevant Planning History**

In 1990, outline planning permission was granted on appeal for the erection of a dwelling on this site (STD/88/010314). This permission was not implemented and is no longer extant; however, the decision of the Inspector and his conclusions on the main issues remain as material considerations.

Under application DOV/92/0899 the planning permission granted on appeal was renewed.

Under application 14/00940 outline planning permission was granted for the erection of a detached dwelling on the land. This permission has not been implemented.

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

Parish Council: No objections

Public Representations: Eight emails/letters of objection have been received to the application. These objections are summarised as follows:

- The adjacent dwelling, Quiet Shades, had not been extended at the time of the appeal decision and therefore the proposal would lead to overcrowding on a small plot
- The plot is too small, it has been reduced in size from the previous decision and the proposed development would be cramped and out of keeping.
- The proposed development would lead to overlooking and loss of privacy and light for the occupants of adjacent properties.
- Further use of this unmade road will make its existing poor condition a lot worse. It will increase surface water run off. Access to the site will be restricted by the condition of the road. The proposal will increase

traffic in the area.

- The construction of the development would lead to obstructions, noise and inconvenience.
- The proposed development would harm living conditions of nearby occupants.
- The proposed development would harm the character and appearance of the area, and effect the nearby conservation area.
- The application lacks sufficient detail

f)

1. **The Site and the Proposal**

- 1.1 The application site falls within the settlement confines of St Margarets at Cliffe.
- 1.2 The application site forms part of the rear garden of the host property “Wilcolmlee”, which has its main elevation and entrance onto Salisbury Road and its return elevation and side/rear garden fronting Victoria Avenue.
- 1.3 Wilcolmlee is a large two storey detached house within a generous garden plot that extends north to south. The topography of the site and surrounding area falls from north to south, so that the proposed application site is on a lower level of the existing garden.
- 1.4 The application site is mainly laid to lawn with some shrub planting. Along and either side of the boundary with Quiet Shades (the southern boundary of the application site) there is a strong landscape buffer that provides a degree of screening between the two plots.
- 1.5 The access to the application site is from Victoria Avenue, which is an unmade and private track that leads between Salisbury Road and Granville Road. Victoria Avenue also serves the properties located along it.
- 1.6 The surrounding area is residential in character and made up of mainly 20<sup>th</sup> Century detached houses dating back to the inter-war period and more recent infilling development. Plot sizes vary across the immediate estate as do the design, type and appearance of the properties.
- 1.7 What would have been an original estate of detached and individually designed houses on generous plots, has been changed by more recent developments on these plots to a mix spatial character with no uniformity in design and no conformity with defined spatial standards.
- 1.8 To the south west of the end of Victoria Avenue, on the opposite corner, is the eastern boundary of the conservation area which covers the buildings and land to the west and south. The conservation area was designated in November 1990 following the Inspector’s decision.

The conservation area retains, to a large extent, what would have been the generous plot sizes and individual houses within open, spacious and sylvan settings.

- 1.9 The application is submitted in outline with all matters Reserved for future determination. The plot size has not altered from the 2014 application. Access is likely to be from Victoria Avenue, although this detail has not been provided with the application.

## 2. **Main Issues**

- 2.1 The main issues are:

- the impact of the proposals on the character and appearance of the area (including the setting of the conservation area)
- the impact upon residential amenity

### Assessment

- 2.2 The determination of this application has to be mindful of the decision of the Inspector for the appeal in 1990 and the more recent decision of the Council to grant outline planning permission in 2014, as these are a material planning consideration. The Council's previous decision in particular is important as a material consideration because that decision addressed the main issues of impact upon character and appearance (and the conservation area) and impact upon residential amenity that are raised by the current public consultation feedback. In addition, the Core Strategy Policies of the Development Plan and the paragraphs of the NPPF have not been amended since 2014.
- 2.3 The weight to be afforded to the material consideration depends on whether there have been any material policy or designation changes or changes in the physical characteristics of the site and surrounding area that would lead the decision maker to a different conclusion. There have been no planning policy changes that might influence the Council to arrive at a different conclusion on policy. From the most recent site visit, there were no obvious changes in the physical characteristics of the site and surrounding area, with the exception that it appeared that the physical condition of Victoria Avenue – which is an unmade, private road, has deteriorated. A recent planning permission for an extension to No.48 Salisbury Road has been granted, but this is a reasonable distance from the application site not to be harmed by the proposed development.

### Character and Appearance

- 2.4 The previous Appeal Inspector noted that the area between Salisbury Road and Granville Road had a spacious character as a result of generous gaps between properties and not as a result of the size of rear gardens. Although the appeal site was considered to not be as deep as most others in the area, it would have a similar width. Therefore, he concluded that a sensibly designed and sited dwelling would not appear of out scale or character with its surroundings.

- 2.5 In conclusion therefore the Inspector did not consider that the proposal would be out of scale or character with the surrounding area and that a dwelling could be designed to retain the scale and character of the area. The Inspector's policy approach generally accords with the current approach to design and new development as set out in NPPF and Kent Design Guide – which requires proposals to be well designed and in context. In 2014, the Council granted planning permission under the existing Development Plan policies and NPPF policy guidance.
- 2.6 Since the Inspector's decision, planning permission was granted (in 2007) for a replacement house at Quiet Shades. This replacement building is larger and of a greater scale than its predecessor and covers a larger footprint. Despite this, the garden area to the west of the building remains open and the principal elevations are on the west and south frontages with views towards the coast line. The rear elevation of Quiet Shades contains windows facing the application site serving bedrooms on the ground floor and ancillary accommodation on the upper floors.
- 2.7 Other infill development has been permitted by the Council; namely on land adjoining 52 Salisbury Road for a new dwelling (granted in 2014) and on land r/o The Moorings, 18 Salisbury Road in a not too dissimilar context.
- 2.8 The St Margaret's Bay Conservation Area was designated in November 1990 after the appeal decision. However, the Council's decision in 2014 to grant outline planning permission for a house on the site took place after the conservation area was designated.
- 2.9 Notwithstanding the above, it is a statutory requirement that the Local Planning Authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The conservation area is separated from the application site by intervening gardens and buildings. In view of the distance between them and the intervening gardens and buildings, the addition of a further dwelling is unlikely to have a material impact upon the setting of the conservation area, or views into and from it.
- 2.10 With regard to advertising new planning applications that might have an impact upon conservation areas, in the officers' view the application site is not sufficiently related to the conservation area to advertise it as such.

#### Conclusion on Character and Appearance

- 2.11 In conclusion, the appeal Inspector and the Council have concluded that the scale and character of the area would not be harmed by a new dwelling in this location. There are no policies or other planning designations that would prevent the principle of development being granted. Infill development has taken place in the surrounding area. Quiet Shades is now a larger building but does not come significantly closer to the application site than the previous building on this plot.
- 2.12 In view of the above, the proposed development, in principle, would not

cause harm to the setting of the conservation area or the character and appearance of the area.

- 2.13 Due to the sensitivity of the site in relation to surrounding buildings and the conservation area, the design, layout, scale and use of materials for the new house would be matters that would be determinable by the Council to ensure that the prevailing character and appearance of the area is preserved.

#### Residential Amenity

- 2.14 The Appeal Inspector took into account the potential for overlooking and loss of privacy in relation to the occupiers of Quiet Shades. The Inspector considered that through careful siting, design and the height and position of windows overlooking could be prevented. This same approach to careful design should be taken in respect of the host property (Wilcolmlee) and Loxley Close (opposite).
- 2.15 Furthermore, overlooking might occur from the adjacent gardens and properties into the application site. However, the Inspector and Council considered that landscaping and screening could be provided or added to the design of the proposed building and its setting. This remains relevant given the recent extension at 48 Salisbury Road.
- 2.16 Quiet Shades has been redeveloped into a larger property with bedroom windows and a bathroom window facing the application site, along with upper floor windows serving other ancillary accommodation (study and bathroom). There is a good level of landscaping along this boundary and taking the Inspector's approach into account, the proposed dwelling could be carefully designed to avoid any inter-visibility, overlooking or dominating impact upon those windows and into the garden areas of the property.
- 2.17 The Inspector's view was endorsed by the Council in 2014, when outline planning permission was also granted for a detached house on the land. This permission has not been implemented, but the conclusions of the Council on how the proposal might impact residential amenity remain relevant and a material consideration.
- 2.18 The details of the new house have not yet been submitted and so it is difficult to pass comment on the design and appearance, access and landscaping of the site and how the scheme would be laid out. For the time being, Officers consider that a scheme could avoid harming residential amenity in principle and it would be for the applicant to demonstrate this with the submission of the Reserved Matters.

#### Conclusion on residential amenity

- 2.19 The previous Inspector considered the impact upon the living conditions of the occupants of adjacent properties. As no details had been submitted, the Inspector took the view that this matter could be accepted in principle, but addressed at detailed stage. The Council took this approach in 2014.
- 2.20 It would be for the applicant to demonstrate through the submission of



the Reserved Matters that the living conditions of both the neighbours and the future occupiers of the proposed house would be safeguarded.

#### Other Considerations

- 2.21 The Appeal Inspector and more recently the Council have considered the impact of construction lorries on Victoria Avenue and its suitability as an access to the site, and considered other matters relating to the appeal proposal.
- 2.22 With regard to the condition of the road, as this is not an adopted highway its damage would be a civil matter and not a planning one. Although the construction period would be for a temporary period only, and therefore inconvenience would not be sustained, a condition could be imposed to require the submission of a construction method statement to reduce the impact upon near neighbours and the perception of inconvenience and obstruction that has generated some objections.
- 2.23 In response to a matter raised from the public consultation feedback, the size of the site is the same as the site shown in the 2014 application.

#### Overall Conclusions

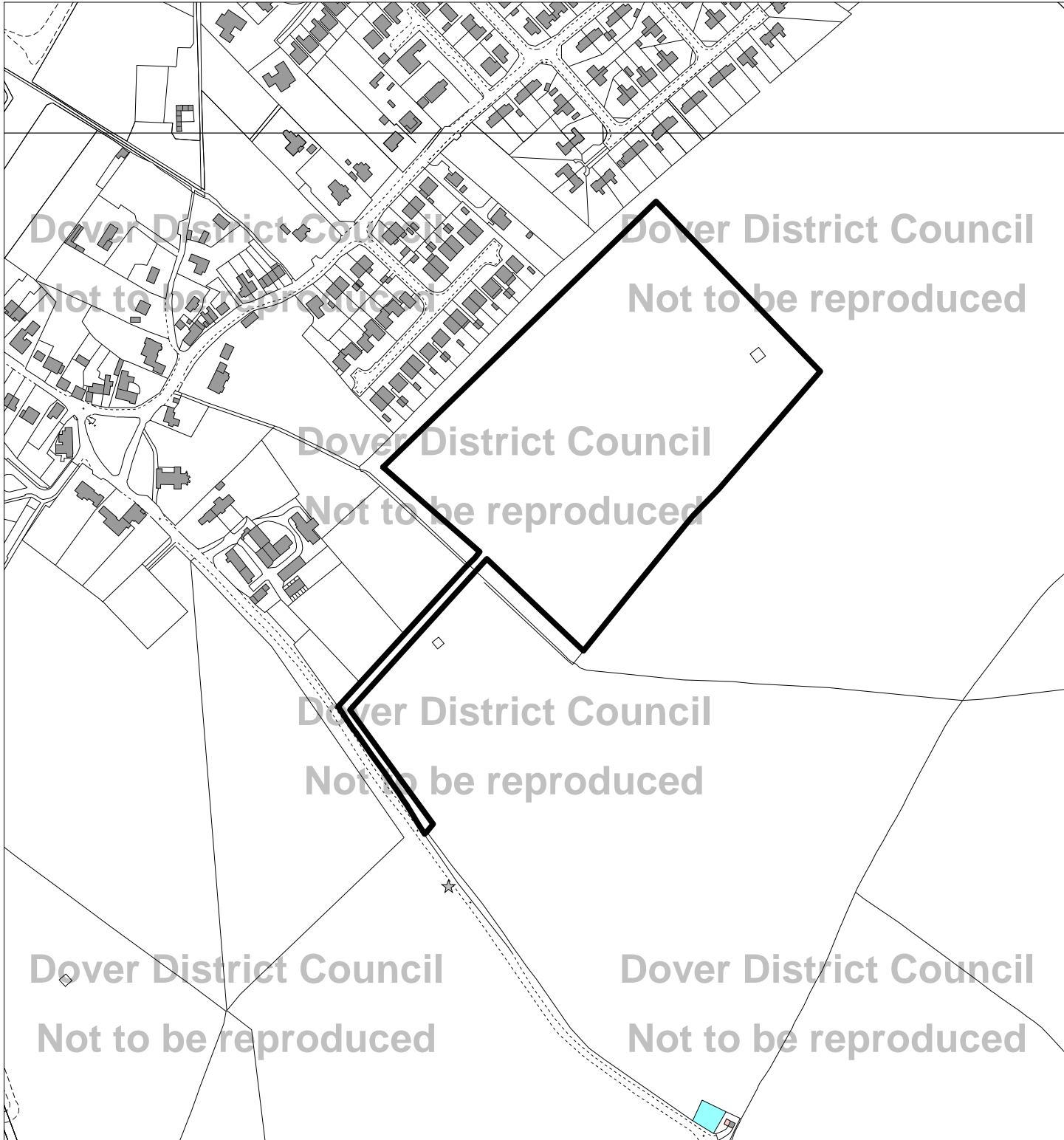
- 2.24 There is a need for the Council to increase its supply of housing in the District. For a proposal of this scale (one house) and location (within the village confines) the ability to make a small contribution towards the housing requirements is compelling and should be welcomed unless harm to the public interest can be identified and demonstrated.
- 2.25 There are obvious and legitimate concerns raised by the occupants of nearby properties with regard to the application. These are tempered, in this instance, by the fact that an appeal decision has been made in favour of granting permission and a further grant of outline permission was made in 2014 by the Council. Since 2014, there have not been material changes in circumstance to indicate that the Council should arrive at a different decision.
- 2.26 In essence the basic question to answer is whether the principle of a new dwelling in this location is acceptable. In planning policy terms, it is. The sensitivity of the site and its relationship with adjacent properties will require careful design and scrutiny at the submission of Reserved Matters stage to demonstrate that the proposal does not cause specific harm to the character and appearance of the area or the living conditions of the occupiers of adjacent properties.

g)

**Recommendation**

- I PERMISSION BE GRANTED, subject to the following conditions set out in summary: i) commencement within 3 years, ii) built in accordance with the approved drawings, iii) soft/hard landscape works to be submitted, iv) soft/hard landscape works to be carried out, v) replacement planting, vi) boundary treatment to be submitted, vii) materials to be submitted, viii) parking spaces to be provided, ix) Details of cycle and refuse storage areas shall be submitted to and approved in writing by the local planning authority and put in place before the first occupation of the house commences and maintained for such purposes thereafter, x) Before development commences, a Construction Method Statement shall be submitted to the local planning authority for its written approval. Once approved, the details and methodology set out in the approved document shall be fully complied with for the duration of the construction and build project xi) Prior to the commencement of development, a photographic and map based survey of the unadopted access road known as Victoria Avenue shall be undertaken and submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the dwelling approved by this permission, any degradation in this access road shall be made up to the standard illustrated within the photographic survey and in accordance with details which shall first be submitted to and approved in writing by the local planning authority.
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary wording on planning conditions or additional conditions in line with the recommendations and as resolved by the Planning Committee.

Case Officer: Vic Hester



**Not to scale**

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controlled of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Dover District Council Licence Number 100019780  
published 2017

**Note:** This plan is provided for purposes of site identification only.

**Application:** DOV/17/00996

**Upton Fields**  
**Rear of Millfields**  
**Coldred Road**  
**Shepherdswell**

TR26524776



- a) **DOV/17/00996 - Change of use of land to a stud farm and for the keeping of horses and the erection of 3 no. blocks, containing 9 no. stables, boundary fencing and gates and sub-division of land into 10 no. fenced and gated paddocks (part retrospective)**

**Upton Fields, Rear of Millfields, Coldred Road, Shepherdswell, CT15 7LN.**

**Reason for report:** No. of objections

- b) **Summary of Recommendation**

Grant Planning Permission, subject to conditions

- c) **Planning Policies and Guidance**

Core Strategy Policies

**CP1** states that the location and scale of development in the District must comply with the Settlement Hierarchy.

**DM1** Development within the confines or ancillary to existing developments.

**DM13** sets out parking standards for dwellings and identifies that it should be a design led process.

**DM15** states that development which would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted if it is:

- (i) In accordance with allocations made in Development Plan Documents, or
- (ii) Justified by the needs of agriculture; or
- (iii) Justified by a need to sustain the rural economy or a rural community;
- (iv) It cannot be accommodated elsewhere; and
- (v) It does not result in the loss of ecological habitats.

Provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character.

**DM16** states that development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if:

- i) It is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures; or
- ii) It can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.

## Local Plan Saved Policies

### **DD21** - policy specific criteria for horse – related development

#### National Planning Policy Framework (NPPF)

Paragraph 7 sets out the three dimensions to sustainable development. These are set out as follows:

- (i) An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and identifying and coordinating development requirement, including provision of infrastructure;
- (ii) A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- (iii) An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Paragraph 8 states that these roles 'should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions'.

Paragraph 14 states that 'there is a presumption in favour of sustainable development, and where the development plan is absent, silent or out of date this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the framework as a whole.'

Paragraph 17 refers to the core planning principles that should underpin both plan-making and decision-taking. There are 12 principles that should seek to ensure that development be plan led, not be simply about scrutiny, support economic development, seek high quality design, protecting the intrinsic beauty of the countryside, address climate change, conserve the natural environment, use brown-field land efficiently, promote mixed use developments, conserve heritage assets, actively manage patterns of growth and improve health and wellbeing of communities.

Paragraph 56 states the government's requirement for good design, citing its indivisibility from good planning. Paragraph 64 then refers to planning applications that fail to take the opportunities available for improving the character and quality of the area should be refused.

Paragraph 109 relates to the need to protect the natural and local environment by protecting and enhancing valued landscapes, recognising the wider benefits of ecosystem services and minimising the impacts on biodiversity.

d) **Planning History**: none

e) **Consultee and Third Party Representations**

**Shepherdswell Parish Council:** Resolved to approve the application with the recommendation that the access gate to the site should be set-back to assist those entering and leaving to help prevent any highway obstructions. It is noted that the North Downs Way passes through this site, so the applicant needs to be mindful of their legal obligations under the Public Rights of Way legislation.

**DDC Principal Ecologist:** Raises no concerns

**DDC Environmental Protection:** No objection subject to conditions that restrict the burning of bedding or waste on the site; and a requirement regarding the provision of any manure heap to have a concrete base, be partially enclosed and kept 30m away from dwelling houses that are not connected to the stud farm.

**Southern Water:** No objections raised. An informative is requested in the event that an unidentified sewer be discovered and the applicant thereby being required to contact Southern Water to discuss.

**Natural England:** no response received

**KCC PRow:** comment that public footpath ER77 is adjacent to the proposed application. No objection subject to informatives.

**KCC Archaeology:** no response received

**Environment Agency:** Raise no concerns

**Third Party Representations:** Objections received on the following grounds:

- Will lead to potential development for housing
- We have a duty to protect the environment, particularly the North Downs Way
- Residents of Hamlets of Upton Wood and Coldred walk this way
- Lack of infrastructure to the site
- Access to the site results in churned up mud on the PRow
- Insufficient advertising of the application
- A retrospective application with development on a shoe string
- The stables are an eyesore, inadequate cleaning and care for horses
- This is a money spinner for the farmer
- No previous use of the land for horses or cattle

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

- 1.1 The application site is located to the south of the confines of Shepherds Well in the open countryside. Access to the site is via Coldred Lane to the south of Upton Court Farm. The site is approximately 5.67 hectares and the land drops steadily away from the residential development off Mill Lane (Millfields). To the south of the site boundary is a treeline which serves as the backdrop to the site. Running along the western edge of the site is a PRow Way (ER77) which also forms part of the North Downs Way national route.
- 1.2 The application site does not form part of a landscape designation.
- 1.3 The application is part retrospective. There are structures on the site, the initial part of the stable development has taken place, part of the land has been sub-divided and there are horses on the land. The proposed stable blocks will be retained within the yard area – identified on the submitted drawings. The site is highly visible from public land by users of the PRow. The impact of this will be further considered in the report.

The Proposal

- 1.4 The application seeks planning permission for the change of use of the land for the keeping of horses and as a stud farm. Physical development is for the erection of 3 blocks comprising 9 stables, boundary fencing and the sub-division of the land into 10 no. fenced and gated paddocks. Stock proof fencing is proposed to divide the paddocks and border the site, together with plain tensile wire and internal electric fence.
- 1.5 The proposed business use is as a stud farm; the applicant has specifically stated that this is a small private stud, not intended for public use as either livery or riding school. Visitors to the site would be minimal, for example the vet and farrier as required. In the spring/early summer would be the time for activity with respect to the stud function – with perhaps 3 or 4 foals expected per year. The number of horses would not exceed 12 at any one time, with two possibly three stallions on the site.
- 1.6 Currently hay is stored within Block A and it is likely that this will continue to be the case. The amount of pasture land is in accordance with the British Horse Society standards guidance. A trailer is stored near the stables in order that manure and bedding is loaded directly on and taken away. The applicant does not wish to have manure storage on the site, however further details can be sought on this issue, if necessary, through a condition.
- 1.7 Nine stables are required in total and these are wooden feather edge timber structures built on wooden skids, finished in a green wood preserver and corrugated fibre roofs. The yard area is 24.8m x 35.6m and is contained within the south eastern corner of the site. There are two gated accesses into the yard and it is enclosed by post and wire fence on 3 sides, with the side adjacent to the footpath being 1.8m high close board panels. A shed is

referred to in the supporting text of the application for the storage of equipment in relation to the horse's needs.

- 1.8 The proposed stables are as follows:

Block A: two stables 6m x 3.2m  
Block B (part built): two stables 8.6m x 3.2m  
Block C: four stables 14.8m x 3.4m  
Block D: (attached to B) one stable 5m x 3.9m

- 1.9 Stables A, B & D comprise lean-to roofs at a height of 2.59m falling to 2.13m at the rear. Block C, which is the longest block, comprises an Apex roof with overhang. Block C is 2.8m high at the apex falling to 2.3m at the rear and front overhang. The size of the stables falls within the guidelines of the BHS, including for foaling boxes.
- 1.10 The sub-division of the paddocks will be into 6 smaller areas and 4 larger, with the smaller paddocks closest to the yard area. A route across the top of the site – described by the applicant as an 'unofficial' footpath will be retained at 9.9m wide.

## **Analysis**

- 2.0 The main issues for determination are as follows:

- The principle of the development
- Impact on character and appearance of the locality
- Impact on ecology
- Residential amenity
- Other material considerations

### **2.1 The Principle of Development**

- 2.2 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.
- 2.3 As set out above, the application site is located within the open countryside where the Core Strategy restricts development unless it falls within specific criteria (as detailed in the policy section of this report (DM15)). The strategy seeks to protect both the inherent tranquillity that the countryside offers and to protect the countryside as a physical resource.
- 2.4 Policy DM16 is particularly concerned with Landscape Character – it should be noted that the site is not afforded any specific designation, although part of the North Downs Way (ER77) runs adjacent to the site and is crossed by the access.



- 2.5 Saved Policy DD21 allows for horse related development subject to the following criteria:
- The development provides for the safety and comfort of horses
  - Ease of access to suitable riding country
  - Buildings of high standard design and construction – no adverse appearance on the countryside
  - Where possible existing buildings should be converted
  - No adverse impact on nearby residents
- 2.6 The policy suggests that conditions be used to limit the no. of horses and control paraphernalia such as jumps.
- 2.7 Prior to the applicant commencing development, the site was undeveloped. The provision of horse related development is generally a use accepted within the countryside and under the terms of policy DM1 and DM15, rural locations are where you could reasonably expect to find horses. Saved policy DD21 allows for such development subject to specific criteria – these will be explored later in this report. It is therefore considered that that the proposal is acceptable in principle and it falls largely to the detail of the application as to whether or not the proposal adversely affects the character or appearance of the locality.

### **3.0 Impact On Character And Appearance Of The Locality**

- 3.1 A number of concerns have been raised with regard to the design of the proposed structures, with some development having already been undertaken on the land and the impact on the countryside.
- 3.2 The applicant has undertaken to submit the plans without the benefit of professional drawings. This in itself however, is not a reason to object to the proposal, the key consideration is whether the drawings are sufficient to determine what is proposed, where development will be sited and the impact it will have. Roof plans and floor plans of the stable blocks have been provided and should be read in conjunction with the yard layout plan.
- 3.3 Having considered the topography of the site, it's location and the nature of the structure, it is considered that the siting of the yard is in the least harmful location of the overall site. Situated at the bottom of the slope the buildings are at the furthest point from residential dwellings and have an existing tree line as the back drop to the yard area. Having walked the perimeter of the site, the PRoW and viewed the site from wider areas, the scale of the stables and the finished colour mitigates their impact and prevents any jarring with the existing landscape.
- 3.4 Close views will be afforded from users of the PRoW whom will walk adjacent to the development. The existing 1.8m high close board fence that has been erected adjacent the PRoW is however, inappropriate for an open countryside location and does not fit with the character of the area. The applicant has

indicated that this is due to security and providing screening directly from the PRow. However, the site is open to views along this PRow and the close board fencing detracts from the setting and does have a negative impact in the landscape. In order for the development to be acceptable, this fencing would need to be replaced with something more suitable such as post and rail/post and wire.

- 3.5 From Coldred Road, the site is set well back and screened by the existing natural vegetation along this road frontage; it is not considered that there will be visual harm from the buildings from this view point. As previously stated, horse are an expected feature of the countryside. Commonly PRow cross through and/or around farmsteads and this would not be dissimilar to characteristics of other sites that might be found along a PRow route.
- 3.6 Clearly measures would need to be put in place with respect to containing paraphernalia and storage associated with the use of the site. Currently there is a small shed which it has been identified the applicant may look to replace. It would be more appropriate to look to store associated belongs in a structure similar in size, scale and siting in conjunction with the stable block; this issue, however, can be dealt with through a condition or further application as an appropriate time.
- 3.7 The stables are relatively simple in terms of palette and form, with a green finish it is not considered that they will be visually intrusive in the landscape, particularly when viewed in the context of their siting and surrounding features of topography and vegetation previously described.

#### 4.0 **Impact on Ecology**

- 4.1 Under the Natural Environment and Rural Communities Act (2006), "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.
- 4.2 The National Planning Policy Framework states that "the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible." Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision."
- 4.3 In this instance, the principal ecologist has been consulted and is satisfied that the development will not give rise to ecological concerns and would accord with the above requirements.

## **5.0 Residential Amenity**

- 5.1 The overall site is to the rear of the properties in Millfields, however the closest part of the development are the proposed paddocks. This type of use is not perceived as a 'noisy' use and there are no concerns raised from environmental health with regard to proximity to dwellings. The site is sufficiently sited such that it would not give rise to either loss of privacy or cause oppressiveness to occupiers of other dwellings in the locality. The impact of residential amenity is not therefore considered to be a determinative issue in this case.

## **6.0 Other Matters**

- 6.1 The site is accessed via Coldred Road. The proposal is not for a livery yard or riding school and will not therefore generate the traffic movements associated with such use. The access is existing and serves as an agricultural access – subject to condition regarding surfacing being appropriate to the location there are not considered to be any highway concerns regarding this application.
- 6.2 The site is served by a water connection at Upton Court Farm, there is currently no electricity supply to the site.
- 6.3 Objections have been received regarding the welfare and care of the horses and the provision being made for them. I have considered the guidance from the BHS and find that the acreage per horse is met through this development; similarly stable size appears to adhere to the guidance.

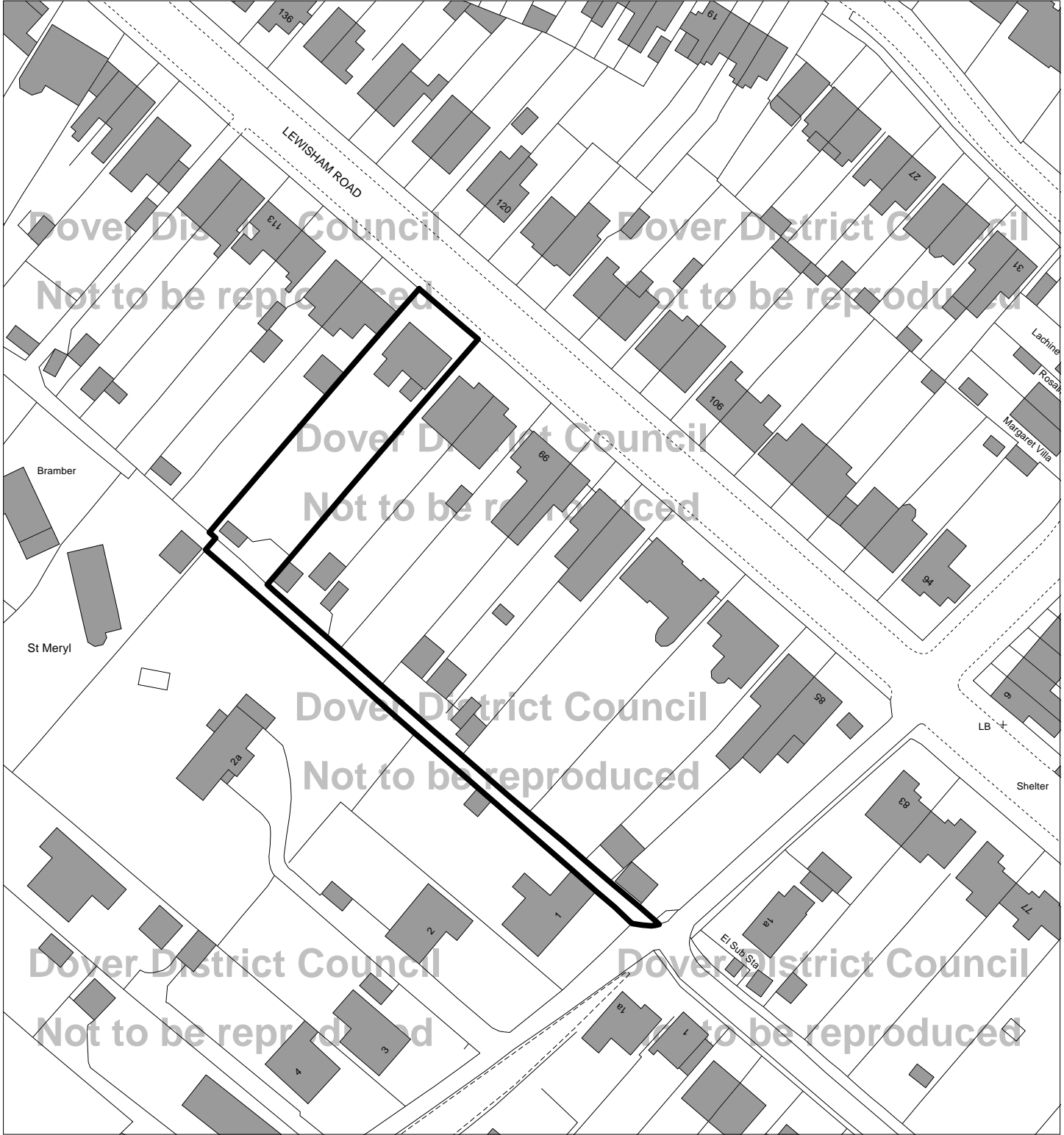
## **Conclusions**

- 7.1 The proposed development is acceptable under the provision of policies DM1, DM15, DM16 and saved policy DD21. The proposed change of use requires a rural location; in this instance the location does not have any enhanced landscape protection and is considered suitable for the reasons specified in the report. The proposal is not considered to cause harm to the character and appearance of the area, by virtue of its siting, scale and response to topography of the site. Overall the development is consistent with the aims and objectives of the NPPF and Development Plan. For the reasons given above it is considered that this application is acceptable subject to conditions.

**8. Recommendation**

- I Subject to the following conditions to include:
- (1) standard time period;
  - (2) materials as plans;
  - (3) approved plans;
  - (4) boundary treatment (including removal of close board fence);
  - (5) no external lighting/details to be submitted;
  - (6) stud farm – no livery, riding stables, gymkhanas;
  - (7) limit to 12 horses;
  - (8) no paraphernalia – storage in buildings –details to be submitted;
  - (9) access track restriction on surfacing/details to be submitted;
  - (10) drainage details;
  - (11) hard and soft landscaping – maintenance period;
  - (12) manure/bedding provision for storage and servicing
- II Powers be delegated to the Head of Regeneration and Development to settle and necessary planning conditions and matters in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer: Amanda Marks



**Not to scale**  
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controlled of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
  
Dover District Council Licence Number 100019780 published 2017  
  
**Note:** This plan is provided for purposes of site identification only.

Application: DOV/17/00879  
  
Access & 105 Lewisham Road  
  
River  
  
CT17 0PA

TR29304320

- a) **DOV/17/00879 – Access & 105 Lewisham Road, River, CT17 0PA. Erection of a detached dwelling, formation parking area, demolition of existing garage, demolition of existing conservatory and extension of existing driveway. (Amended description, amended drawings, re-advertisement).**

Reason for report - Number of contrary representations (14).

- b) **Summary of recommendation**  
Planning permission be granted.

- c) **Planning policy and guidance**  
Development Plan

The development plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act (2004) comprises the Dover District Council Core Strategy 2010, the saved policies from the Dover District Local Plan 2002, and the Land Allocations Local Plan (2015). Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise.

In addition to the policies of the development plan there are a number of other policies, standards and legislation which are material to the determination of planning applications including the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), the Planning (Listed Buildings and Conservation Area) Act 1990, together with other local guidance.

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

Policy DM1- Settlement boundaries

Policy DM13 – Parking provision.

National Planning Policy Framework (NPPF) (2012)

- 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. For decision taking this means; approving development proposal that accord with the development plan without delay, and where the development plan is absent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework or as taken as a whole; or specific policies in this Framework indicate development should be restricted.
- Paragraph 17 sets out 12 core principles. Amongst other things, it states that planning should 'enhance and improve the places in which people live their lives' and should also always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

- Paragraph 32 sets out that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- Paragraph 56 attaches great importance to the design of the built environment. It states that good design as a key aspect of sustainable development and should contribute positively to making places better for people.
- Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. It states that decisions should integrate new development into the natural, built and historic environment.

#### The Kent Design Guide

The guide provides criteria and advice on providing well designed development, emphasising that context should form part of the decision making around design.

#### d) **Relevant planning history**

- DOV/75/0131 – Erection of a conservatory: Permission Granted
- DOV/76/0432 – Extension at the rear of existing bungalow: Permission Granted
- DOV/79/0461 – Extension on side elevation of existing bungalow: Permission Granted

#### e) **Consultee and third party responses**

Representations can be found in full in the online planning file. A summary has been provided below:

DDC Arboriculturist: “No objection to the removal of trees in this location.”

DDC Environmental Health: No objection but would recommend a condition relating to the reporting of any contamination found during the development.

Southern Water: “No development or new tree planting should be located within 3 metres either side of the external edge of the public sewer and all existing infrastructure should be protected during the course of construction works. No new soakaways should be located within 5 metres of a public sewer.” “Should this application receive planning approval; an informative is attached to the consent relating to the connection to the public sewer.”

River Parish Council: “The council cannot support this application. There is a lack of proper access to the proposed property and the development would lead to additional traffic movements along a narrow and unsurfaced lane...”

Public Representations:

### Objections

There have been 14 letters of objection from the public consultation of the application, summarised as following:

- Not in keeping with large back gardens in the area
- Concerned about the means of access
- Would set a precedent for other neighbours to do the same
- It would cause overlooking and a loss of privacy, the building would be intrusive, inappropriate and insensitive
- It would increase overcrowding
- Hedges and trees would be removed
- Pollution, noise and light would increase and air quality would be affected
- It would increase the chance of damage to boundary walls and to cars parked on the hard standings
- It would have a detrimental effect by driving wildlife away from this location due to the increase of traffic, noise and fuel emissions from vehicles
- The access track (off of Cowper Road) would become a sole means of access which is unsuitable.

### Support

There was one letter of support received during the public consultation of the application, which summarised that the proposal would add to housing stock in an area.

f) **1. The site and the proposal**

- 1.1 The application site comprises a detached single storey dwellinghouse located on Lewisham Road, River. The site includes a detached garage at the rear (south-west end) of the site. Access to this garage is via a track off Cowper Road which is also used to access the rear entrances, garages and parking spaces of numbers 85-105 Lewisham Road. The width of this access track varies along its length; however it is approximately 2.5m in width along most of its length.
- 1.2 The main dwellinghouse is visible within the streetscene. It is finished in red brickwork, has two bay windows on the front (north east facing) elevation and a plain tiled roof. There is a small white uPVC conservatory to the side (north) of the dwellinghouse. Off street parking is also available for one vehicle.
- 1.3 The majority of dwellinghouses along this portion of Lewisham Road are two storey semi-detached pairs; however the application dwelling (No.105) and No. 91 (to the east of the application site) are both single storey detached dwellings.
- 1.4 To the rear of the application site, the garden area is laid to grass. There are a number of small outbuildings and structures in the rear garden and tall, mature trees. The boundary treatment on both the south-eastern and north-western boundaries is close-boarded timber fencing, approximately 1.8 metres high.



- 1.5 The approximate dimensions of the site are:
- Width – 15 metres
  - Depth – 61 metres.
- 1.6 Proposal: Permission is sought to erect a single storey dwellinghouse in the rear garden of No. 105 Lewisham Road following the demolition of the existing garage to the south-west of the application site. The proposed dwelling would be accessed via the track off of Cowper Road. Permission is also sought to demolish the existing conservatory on the side of the existing dwellinghouse and to extend the existing front (north-eastern) driveway to increase the off street parking provision for No. 105 Lewisham Road.
- 1.7 The plot would be subdivided and 1.8m high close-boarded timber fencing with concrete posts and gravel boards would be erected along the south-eastern and the north-western (side) boundaries and the north-eastern dividing boundary between the proposed dwelling and the existing dwelling. New hedgerow would also be planted along the north-eastern subdividing boundary.
- 1.8 Off street parking for the proposed dwellinghouse would be provided on the south west corner of the site for two vehicles with additional room for turning. These parking spaces would be accessed via the track off of Cowper Road.
- 1.9 The dimensions of the proposed subdivided plot are:
- Width – 15m
  - Length – 37m
- 1.10 The dimensions of the proposed dwellinghouse are:
- Width – 10.8m
  - Depth – 15.6m
  - Height to eaves – 2.4m
  - Maximum height – 5.2m
  - Gap between dwelling and south-east boundary: 2m
  - Gap between dwelling and north-west boundary: 2m

## **2 Main issues**

- 2.1 The main issues to consider are:
- Principle
  - Visual Amenity and Design
  - Residential Amenity
  - Access, Parking and Highways
  - Other matters

### **3     Assessment**

- 3.1     Principle: The site is located within the urban boundaries of River and the erection of a new dwellinghouse is considered acceptable in principle, subject to its design details, amenity considerations, highway matters and any other material considerations. As the site is situated within the settlement confines, the 'tilted balance' as referred to in Paragraph 14 of the NPPF would not need to be applied in this case. However, Paragraph 14 states that development that accords with the development plan should be approved without delay.
- 3.2     Visual Amenity and Design: The existing dwelling (N0. 105 Lewisham Road) is visible within the streetscene. The removal of the existing side conservatory and extension to the front driveway are not considered to materially or adversely impact the character or appearance of the dwellinghouse and it is not considered that this would detract from the visual quality or amenity of the wider area. As such, the removal of the existing conservatory and extension to the driveway are considered to be acceptable in this regard, subject to details being submitted relating to the material proposed for the extended driveway.
- 3.3     The rear of the application site is not readily visible from Lewisham Road due to surrounding trees, outbuildings within the application site and the close-board boundary fencing. Further, the topography of the site is such that the site level is higher than road level. It is considered that the erection of a dwelling to the rear would have a limited visual impact on the streetscene as it would only be partially and obliquely visible through the gaps and spaces between some of the dwellings on Lewisham Road, and as such, would not detract from the quality or visual amenity of the wider area.
- 3.4     In terms of design and materials, the proposed single storey dwelling includes a hipped roof over the main part of the building. There would be a projecting glazed gable end on the south-west facing (front) elevation and a projecting gable finished in brickwork on the north-east facing (rear) elevation. The dwelling would be finished in red brickwork and weatherboarding with a slate roof. Windows and doors would be framed in uPVC.
- 3.5     The proposal has been amended since its original submission, and 1m has been taken off of the overall height which helps to reduce its mass and prominence. The scale and form of the proposed building are considered to be acceptable for this type of location being a 'back land' setting. The spaces of 2m between the side elevations and the neighbouring boundaries, along with the proposed hedgerow would help to retain the verdant setting of the immediate area and adjacent gardens. The proposed materials, design, scale and form are therefore considered to be sympathetic and traditional and would not result in an adverse visual impact.

- 3.6 The proposed dwelling would be visible from the rear gardens of neighbouring properties. The proposal includes the erection of 1.8m tall close-boarded timber fencing with concrete posts and gravel boards on the rear and both side boundaries of the plot, along with hedgerow on the dividing boundary between the proposed dwelling and the existing dwelling (No. 105 Lewisham Road). The boundary treatment would help to screen the proposed dwelling to an extent and would reduce the visual impact caused to neighbouring occupiers. It is also considered that the dwelling is sufficiently distanced (approximately 20m) from the rear elevations of No.'s 107, 105 and 103 Lewisham Road so as to not cause any significant or adverse visual impact.
- 3.7 The simple design solution is considered acceptable in this location given the proposed dwelling would be only partially visible from neighbouring properties. As a result it is considered that it would not cause an adverse impact on the visual quality of the character and appearance of the local area.
- 3.8 Impact on Residential Amenity: The application site shares a boundary with No. 107 Lewisham Road, which is to the north-west of the site and No. 103 Lewisham Road, which is to the south-east of the site. The impact on both dwellings will be assessed separately.
- 3.9 **107 Lewisham Road:** The proposed dwelling would be sited at a distance of approximately 24m from the rear elevation of No. 107. This neighbouring property has a large outbuilding sited on its south-eastern boundary that it shares with the application site, which would further screen the proposed dwelling. Having regard for the separation distance and the existing outbuilding in the garden, no significant overbearing or sense of enclosure would result from the proposal, particularly given the proposed hipped roof. Due to the orientation of this property in relation to the proposed dwelling, a limited amount of overshadowing may occur to some of the end of the rear garden area, however the impact is considered to be negligible and therefore acceptable. The proposed dwelling is single storey and the plot would have a 1.8m high boundary fencing, as such, it is considered that no significant overlooking or loss of privacy would occur.
- 3.10 **103 Lewisham Road:** The proposed dwelling would be sited at a distance of approximately 18m from the rear elevation of No. 103. Having regard for the separation distance, no significant overbearing or sense of enclosure would result from the proposal. Due to the orientation of this property in relation to the proposed dwelling, some overshadowing may occur in the late afternoon/evening in the summer months to some of the rear garden area; however the impact is considered to have a limited material impact and would therefore be acceptable. The proposed dwelling is single storey and the plot would have 1.8m high boundary fencing as well as hedgerow on the north-eastern boundary, as such, it

is considered that no significant overlooking or loss of privacy would occur.

- 3.11 **105 Lewisham Road:** If permission is granted, then the garden belonging to 105 Lewisham Road would be subdivided and a dwelling erected in the separate plot. As such, a smaller garden would be retained for 105 Lewisham Road. The screening of the proposed dwelling by fencing and also hedgerow on the dividing boundary would minimise interlooking between dwellings and privacy standards would be retained. Any future buyer would have the decision of whether a smaller garden would be acceptable to them.
- 3.12 **Wider Amenity Impact:** The proposed dwelling would be accessed via the existing track off Cowper Road; as the residential amenity of the occupiers of dwellings along Cowper Road and dwellings that are also served by the access track, has the potential to be impacted by increased noise and disturbance. However, the use of the track by a single dwelling is not considered to significantly increase, as the existing access tract is already in used by many of the properties along Lewisham Road, including the application site. There may, on occasion, be deliveries and other vehicle movements along Cowper Road and the access track specifically for the proposed dwelling; however this is considered unlikely to have a significantly adverse impact on the residential amenity enjoyed by these neighbouring occupiers.
- 3.13 Due to the siting of the dwelling to the rear of existing properties, it is considered reasonable to restrict permitted development rights for any further extensions, enlargements or alterations to the dwelling and to the roof, to further protect the residential amenity and privacy of neighbouring occupiers. As such, the proposal is considered to adequately protect the residential amenity enjoyed by neighbouring occupiers and is therefore acceptable in this regard.
- 3.14 Access, Parking and Highways: The proposal includes the demolition of the existing side conservatory on No. 105 Lewisham Road as well as the extension of the existing front driveway. The proposal would result in the addition of one onsite parking space to serve 105 Lewisham Road to provide a total of 2 spaces, which meets the requirements of policy DM13 of the Core Strategy.
- 3.15 The proposed dwelling would be accessed via the track off Cowper Road. The track runs along the rear of numbers 85-105 Lewisham Road and allows rear access to these properties as well as access to their garages and rear off-street parking spaces.
- 3.16 Concerns were raised during the public consultation relating to highway safety and visibility at the point where the access track joins the highway in Cowper Road. However, this is an existing access point serving a number of garages and parking areas including the garage to be demolished on the application site.

Additionally, Cowper Road is a no through road, so passing traffic at the point of access would be relatively limited.

- 3.17 A number of objections have also been received against the proposal to use this track as the sole access to the proposed dwelling. The objections outline that the proposal would result in a significant increase in the use of the track. However, there is currently a detached garage and parking space that is accessed via the track, for the occupiers of No. 105, which could be used rather than parking on the road or on their front driveway. The replacement of the existing garage/parking area with a single dwelling is therefore unlikely to generate a significant increase in the use of the existing access point or a level of traffic that will have a severe impact on the highway that would warrant a recommendation for refusal on highway grounds. Although outside of the KCC Highways Protocol, an informal discussion took place with the Highways Officer who raised no objection or concern regarding the proposal.
- 3.18 In terms of the proposed parking, policy DM13 requires that two independently accessible parking spaces are provided in this location. The application shows space for two vehicles as well as sufficient turning space so that no vehicle would have to enter the site in a reverse gear or leave the site and enter the highway in a reverse gear. The proposal is considered acceptable in terms of parking and complies with policy DM13 of the Core Strategy as well as Paragraph 32 of the NPPF.
- 3.19 Other Matters: A number of other issues were raised during the consultation period. These are discussed below:
- 3.20 **Trees and Hedges:** The proposal would result in the removal of trees and hedges within the application site to allow for the erection of a dwelling. The site is not within a Conservation Area and the trees are not protected by any TPOs. DDC's Arboriculture Officer has raised no objections to the loss of trees and hedges on this site and did not attach any particular amenity value to these trees. Their loss would therefore be appropriate in this location.
- 3.21 **Fire Safety:** Due to the narrow width and the length of the access track, objections have been raised during public consultation relating to the safety of any future occupiers as a fire engine would not be able to access the proposed dwelling due to there being a 45m maximum distance for a fire hose. Therefore a sprinkler system is required and could be controlled by a condition. Nevertheless, this would principally be addressed by Building Regulations and therefore would not be a reason for refusing such a proposal.
- 3.22 Conclusion: The proposal is considered acceptable. The design solution is considered to be sympathetic and it would not significantly detract from the

character and appearance of the streetscene. It is considered that no significant or adverse impact would be caused to neighbouring occupiers and that the residential amenity enjoyed by neighbouring occupiers would be adequately preserved. The proposal is considered acceptable in terms of parking, access and highway safety. The proposal is considered acceptable in all other material aspects. Accordingly the development would comply with the aims and objectives of the NPPF, and is considered to represent sustainable development bringing with it the benefit of additional housing in an area with limited supply in line with Paragraph 14 of the NPPF.

g) **Recommendation**

- I. PERMISSION BE GRANTED subject to the following (summarised) conditions:
  - (1) Standard time condition;
  - (2) Approved plans;
  - (3) Samples of the materials for the external surfaces of the building to be submitted;
  - (4) Hard and soft landscaping scheme to be submitted and approved;
  - (5) Restriction of PD rights for alterations, enlargements and extensions;
  - (6) Contamination safeguarding;
  - (7) Details of refuse storage to be submitted;
  - (8) Details of cycle parking to be submitted;
  - (9) Retention of parking spaces;
  - (10) Construction Management Plan to be submitted;
  - (11) Ground levels, sections and details of earthworks to be submitted;
  - (12) Sprinkler system to be installed;
  - (13) Drainage details to be submitted
- II. Powers 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: Elouise Mitchell