

Public Document Pack



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20 February 2019

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **PLANNING COMMITTEE** will be held in the Council Chamber at these Offices on Thursday 28 February 2019 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 democraticservices@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read "Kate Batty".

Chief Executive

Planning Committee Membership:

F J W Scales (Chairman)
B W Butcher (Vice-Chairman)
P M Beresford
T A Bond
D G Cronk
M R Eddy
B Gardner
P J Hawkins
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** (Pages 5-9)

To confirm the attached Minutes of the meeting of the Committee held on 24 January 2019.

5 **ITEMS DEFERRED** (Page 10)

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

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING
(Pages 11-14)

6 **APPLICATION NO DOV/18/01393 - 8 BEWSBURY CRESCENT, WHITFIELD**
(Pages 15-19)

Erection of double garage and garden room

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

7 **APPLICATION NO DOV/18/00820 - MOLLAND FARM, MOLLAND LANE, ASH**
(Pages 20-29)

Change of use of former dairy building to stables, workshop and ancillary use; re-grading of farmyard; formation of hardstanding adjoining potato barn and installation of a culvert

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

8 **APPLICATION NO DOV/18/01266 - 5 MILL BANK COTTAGES, MILL LANE, EASTRY, SANDWICH** (Pages 30-39)

Erection of a detached dwelling, two-bay car port and sunken terrace (existing outbuilding to be relocated)

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

9 **APPLICATION NO DOV/18/00643 - LAND ON THE WEST SIDE OF MOAT LANE, ASH** (Pages 40-50)

Erection of a dwelling

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

10 **APPLICATION NO DOV/18/01133 - CHALKWELL COURT, EAVES ROAD, DOVER** (Pages 51-63)

Erection of an additional storey containing six apartments, incorporating a new pitched/Mansard roof to replace the existing flat roofs and associated

alterations

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

11 APPEALS AND INFORMAL HEARINGS

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

12 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. Minutes will be published on our website as soon as practicably possible after 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: democraticservices@dover.gov.uk for details.

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

Declarations of InterestDisclosable 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.

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 24 January 2019 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: B W Butcher
P M Beresford
T A Bond
D G Cronk
M R Eddy
B Gardner
P J Hawkins
M J Ovenden
P M Wallace

Officers: Principal Planner
Senior Planner
Planning Officer
Planning Delivery Manager
Planning Solicitor
Democratic Services Officer

The following persons were also present and spoke in connection with the applications indicated:

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/18/00975	Councillor Peter Jull	-----
DOV/18/01006	-----	Ms Donna Foster
DOV/18/00643	Mr John Tate	Councillor Mike Connelly
DOV/18/00915	Mr David Cason	-----

113 APOLOGIES

It was noted that there were no apologies for absence.

114 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that there were no substitute members appointed.

115 DECLARATIONS OF INTEREST

There were no declarations of interest.

116 MINUTES

The minutes of the meeting held on 20 December 2018 were approved as a correct record and signed by the Chairman.

117 ITEMS DEFERRED

The Chairman advised that, of the two items deferred, one was due for consideration at the meeting.

118 APPLICATION NO DOV/18/00975 - THE TIDES, 9 ST MARGARET'S ROAD, ST MARGARET'S BAY, DOVER

The Committee viewed drawings of the proposal. The Senior Planner advised that the Section 73 application sought the removal of condition 4 attached to planning permission DOV/17/0178. This condition related to the use of non-reflective glazing in the south-east elevation. As a result of information received from the applicant's agent since the report was written, Officers were now also recommending the removal of the condition which required that all glazing to the balcony in the south-west elevation should be non-reflective glazing, listed as condition 7 within the recommendation section of the report. Paragraphs 2.8 to 2.11 of the report set out the reasons why the proposal was considered acceptable.

The Chairman commented that the proposed dwelling had considerably more glazing than was normal. Following the submission of evidence that had not been available at the time of the original planning permission, the Committee was in a position to agree that non-reflective glazing was no longer necessary.

RESOLVED: That Application No DOV/18/00975 be APPROVED subject to the following conditions:

- (i) Standard time;
- (ii) Approved plans;
- (iii) Samples of materials;
- (iv) Retention of existing hedge;
- (v) No further openings on the south-west roof slope of the garage/studio;
- (vi) No use of flat roof areas other than for emergencies/maintenance.

119 APPLICATION NO DOV/18/01006 - LAND AT BELVEDERE GARDENS, DEAL

Members were shown plans, drawings and photographs of the application site. The Planning Officer updated Members, advising that an image received from a neighbour and e-mails received from the applicant had not changed Officers' recommendation. As a correction to the report, she advised that paragraph 2.17 should be amended to read: 'In summary, it means that the proposed dwelling has been orientated such that the longer and bulkier elevation would face the neighbouring properties in question, i.e. nos 42 and 44, albeit the gables would no longer be adjacent to these neighbours.'

The site had an extensive planning history. Three previous applications had sought the erection of one dwelling, albeit of different scales and designs. All three applications had been refused and dismissed at appeal, the details of which were set out in the report. Whilst the proposed dwelling had been re-orientated, it was larger than the previously refused schemes, and failed to mitigate concerns raised about the sense of enclosure that would be created to 44 Foster Way. The proposed dwelling would also result in the loss of an important gap, and cause unacceptable harm to the character and appearance of the area.

Councillor T A Bond referred to the number of times the site had appeared before Committee, and expressed concerns regarding the over-intensification of the area. He fully supported the Officer's recommendation. Councillors D G Cronk and P M Hawkins concurred, the latter commenting that the area was already over-developed and adding another property would only make it worse. In response to comments made by Councillor B Gardner, the Chairman clarified that, whilst the development of the site within the settlement confines of Deal was considered acceptable in principle, this was subject to specific considerations regarding the site.

RESOLVED: (a) That Application No DOV/18/01006 be REFUSED on the following grounds:

- (i) The proposed development, by virtue of the location, layout, scale and design of the dwellings, together with their relationship with adjoining properties, would create a cramped and congested form of development, out of character with the pattern of development within the area. Consequently, the development would fail to integrate into, and cause harm to, the character and quality of the area, contrary to paragraphs 127, 130 and 131 of the National Planning Policy Framework.
 - (ii) The proposed dwelling, by virtue of its location, scale and relationship with No 44 Foster Way, would cause an unacceptable sense of enclosure to, and corresponding loss of outlook from, that property, resulting in an unacceptable loss of amenity, contrary to paragraph 127 of the National Planning Policy Framework.
- (b) That powers be delegated to the Head of Regeneration and Development to settle any reasons for refusal in line with the issues set out in the recommendation and as resolved by the Planning Committee.

120 APPLICATION NO DOV/18/00643 - LAND TO THE WEST SIDE OF MOAT LANE, ASH, SANDWICH

The Committee viewed plans and photographs of the application site. The Planning Officer reminded Members that the application had been deferred by the Committee in November pending the receipt of an up-to-date Ordnance Survey (OS) map and a further view from Kent County Council (KCC) Archaeology following the discovery of historic structures on the site. KCC Archaeology had confirmed that it was content with the original archaeological condition. The site was in a sustainable location and there would be no harm to residential amenity. Approval was therefore recommended.

In response to concerns raised by Councillor Gardner, the Planning Officer advised that a reference to Holly House in paragraph 2.13 of the report should be amended to The Croft. She also clarified that there would be no loss of privacy for The Croft as there would be no windows in the elevation facing this property.

Councillor Gardner expressed concerns that residents were suggesting that Moat Lane was narrower than indicated by the map. He proposed that a site visit should

be held to look at access arrangements (including the impact on the tree that was the subject of a Tree Preservation Order), and the impact of the proposed dwellings on neighbouring properties and the setting and character of the area.

Councillor Bond argued that there should be robust reasons to build outside village confines. He also raised concerns about the accuracy of the plans. The Principal Planner clarified that the purpose of the site map included with the agenda was to assist Members in identifying where the site was. Whilst the OS map had not been updated, the map submitted by the applicant with the application and shown as part of the presentation was up-to-date and accurate.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/18/00643 be DEFERRED for a site visit to be held on Tuesday 26 February 2019 at 09.30 am to allow Members to assess: (i) Access arrangements, including their impact on the TPO tree; (ii) Relationship to, and impact on, neighbouring properties; and (iii) Impact on the setting and character of the area, and Councillors M R Eddy, B Gardner, P M Hawkins, M J Ovenden and P M Wallace (reserve: Councillor F J W Scales) be appointed to visit the site.

121 APPLICATION NO DOV/18/00915 - LAND ADJACENT TO WESTFIELDS, HANGMAN'S LANE, RINGWOULD, DEAL

Members were shown a map, drawings, plans and photographs of the application site. The Principal Planner advised that the application sought planning permission for the erection of a detached, 5/6-bedroomed dwelling. The starting point for assessing the application was the Development Plan, specifically Policies DM1, DM11 and DM15. DM1 and DM15 sought to prevent development in the countryside unless allowed by other policies. DM11 stated that development that would generate travel outside rural settlement confines would not be permitted unless justified by other Development Plan policies. The application site was outside the confines, contrary to these policies and not supported by other policies. Adjoining the site, Westfields was clearly visible, and a lack of ground vegetation at the application site would increase the visibility of the proposed dwelling in views from the Public Right of Way. The site was in an unsustainable location, and the provision of one dwelling did not justify a departure from Development Plan policies.

Councillor Bond concurred with the Officer's recommendation, arguing that there would need to be good reasons to go against Development Plan policies. He suggested that the application should be refused. Councillor M J Ovenden argued that if more of these 'windfall' sites were approved, they would go some way to meeting the Council's five-year housing land supply. The Principal Planner clarified that the Development Plan was under review and therefore regard should be had to the weight that could be attributed to policies. However, in recent appeal rulings Planning Inspectors had stated that the Council's policies were generally in accordance with the National Planning Policy Framework and therefore continued to carry substantial weight. The application therefore needed to be assessed against existing policies.

RESOLVED: That application No DOV/18/00915 be REFUSED on the grounds that the proposed development, if permitted, by virtue of its location and scale, would result in an unsustainable form of development which would fail to limit the need to travel or offer genuine choice of transport modes, and cause harm to the character and appearance of the countryside. The proposal would be highly visible within its

rural setting. The proposal is therefore contrary to Policies DM1, DM11 and DM15 of the Dover District Core Strategy and paragraphs 102, 103, 110, 127 and 170 of the National Planning Policy Framework.

122 APPEALS AND INFORMAL HEARINGS

The Planning Delivery Manager introduced the report and advised of a correction - that nine rather than seven appeals had been determined during the October to December period. He clarified that some appeal decisions had come in late before Christmas and were therefore not included in the report.

A cost award had been made against the Council in respect of an appeal relating to the Abbey Homes development at Woodnesborough Road, Sandwich. The award had been triggered by the Council's delay in commissioning the independent highways assessment (as resolved by the Committee). The Planning Inspector had recognised the applicant's frustration at the undue delay, and had inferred that the Committee should pay more attention to professional advice. In this regard, Officers were considering providing training for Members. Councillor Gardner welcomed the suggestion but commented that there was little point in offering it before May.

RESOLVED: That the report be noted.

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

The Committee noted that no action had been taken since the last meeting.

The meeting ended at 7.17 pm.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 28 FEBRUARY 2019

**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/18/00643 Erection of a dwelling - Land on the west side of Moat Lane, Ash (Agenda Item 8 of 24 January 2019)

This item is dealt with elsewhere on the agenda

2. DOV/18/00592 Outline application for the erection of five detached dwellings with visitors' car park and turning head (with appearance, landscaping, layout and scale reserved) – Land rear of Station Road, Walmer (Agenda Item 12 of 22 November 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 informatics 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.

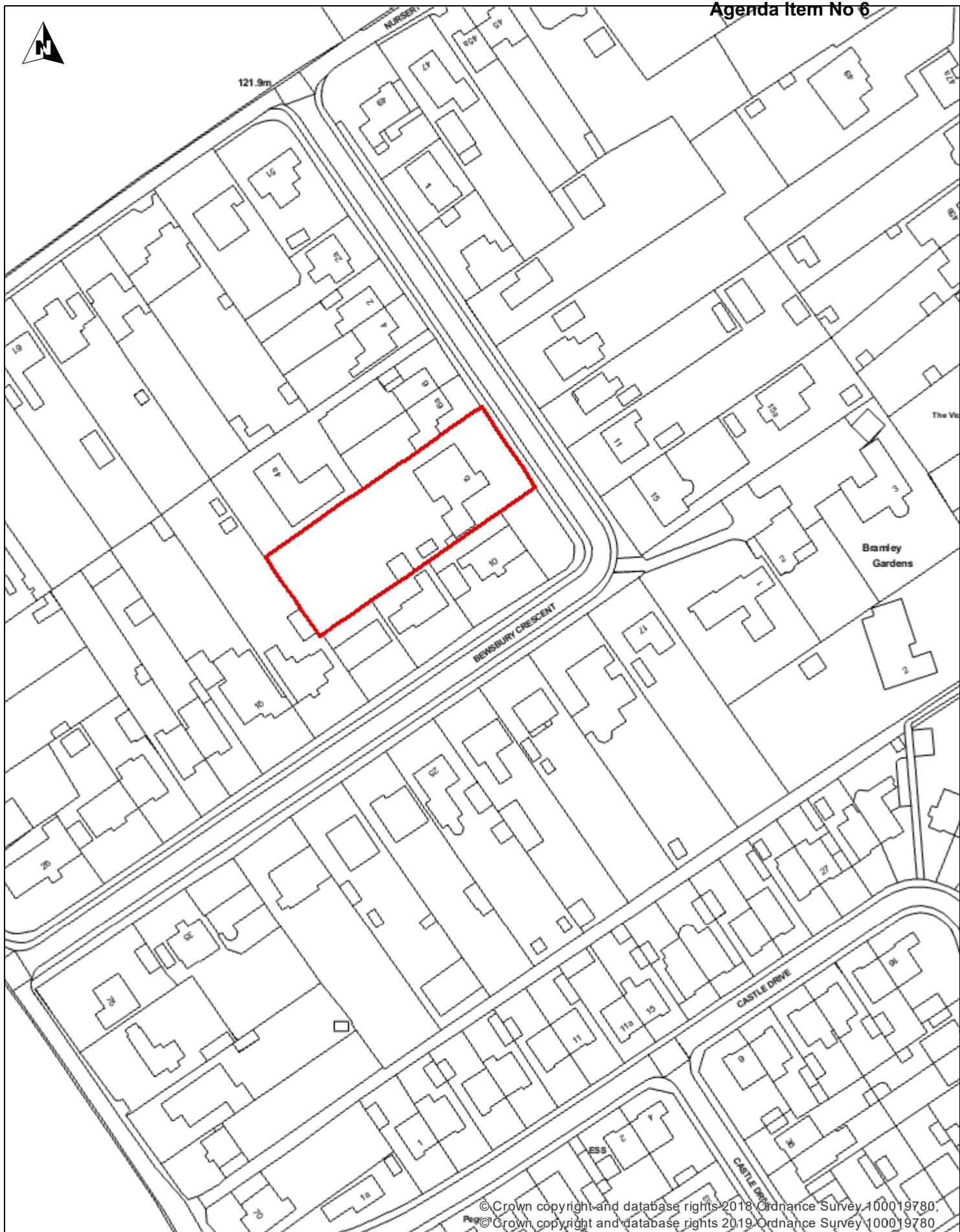
Article 10 - Right to free expression.

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.

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.



DOV/18/01393

Author: Planning Services

8 Bewsbury Crescent, Whitfield, CT16 3ET

Scale 1:1,250

Map Dated: 19/02/2019

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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

a) **DOV/18/01393 – Erection of double garage and garden room - 8 Bewsbury Crescent, Whitfield, Dover**

Reason for Report: Number of contrary views (8)

b) **Summary of Recommendation**

Planning Permission be GRANTED

c) **Planning Policy and Guidance**

Dover District Core Strategy (CS)

Policy DM1 supports development carried out within the urban confines

National Planning Policy Framework (NPPF)

NPPF 2018 Achieving sustainable development (paras 7 – 14)
Achieving well designed places (paras 124-132)

d) **Relevant Planning History**

CH/6/54/0005 – Erection of a bungalow - Permitted

DO/85/0157 – Single storey extension and roof conversion for domestic use - Permitted

DOV/14/00683 – Extension between garage and kitchen - Permitted Development

e) **Consultee and Third Party Responses**

Whitfield Parish Council object to this application. There is already a garage located on the property, and the property has also been extended previously to provide additional accommodation. The size structure and positioning of the proposed Garage and Garden Room together with the facilities and services to be provided to the building, give us concerns that this is indeed a back garden development, to which we are totally opposed to in Whitfield.

Eight local residents object to the proposal on the following grounds:

- Previously extant garden trees already removed,
- Too large
- Too close to boundary,
- Impact on residential amenity – noise and lights from cars,
- Potential future use as a dwelling

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

The Site

- 1.1 The site comprises a fairly large 1950's detached brick and tile bungalow set in a crescent of bungalows and houses. The house benefits from an approved extension and loft conversion along with a Conservatory. The bungalow sits within a fairly large

plot about seventy metres deep and twenty-five metres wide. There is good screen fencing and hedging surrounding the side. There is an existing vehicular access as well as open parking spaces to forward of the house with the access gate on the southern end of the road frontage. At the northern end of the road frontage is an additional gate.

- 1.2 The site lies within the confines of Whitfield. On the southern boundary of the site are two bungalows and a chalet bungalow numbered 10 to 14 Bewsbury Crescent each with fairly short rear garden areas. On the rear (western) boundary is the rear garden of number 16 Bewsbury Crescent. On the northern garden boundary there is a back land bungalow granted planning permission under DOV/06/00201.

The Proposal

- 1.3 The applicant seeks permission to erect a brick and tile garage/garden room with a footprint of 10.5 metres wide by 6.5 metres deep with a pitched and hipped roof to an overall height of 5 metres. Approximately two thirds would be given over to the parking of two cars with the garden room occupying the remaining third including a small WC facility to the rear of the building.
- 1.4 The garage/garden room would have a double roller garage door and a two pane window on the east facing elevation with bi-folding doors on the south facing elevation. There would be an obscure glazed window serving the WC on the rear (west) facing elevation and a two pane window of the north facing elevation.
- 1.5 The garage/garden room would be located in the rear garden, in its south western corner.
- 1.6 The proposal also seeks permission for a 3.5-metre-wide driveway which would run from the existing access on the north side of the road frontage. This driveway would serve the proposed garage and incorporate a small turning area.

2. Main Issues

- The principle of the development
- Residential amenity
- Character and appearance of the area
- Boundary Issues
- Highway Issues
- Loss of trees
- The potential future use of the building

Assessment

Principle of Development

- 2.1 Core Strategy Policy DM1 supports and encourages development within the confines, accordingly the principle of this proposal is acceptable.

Residential Amenity

- 2.2 The ground level in the area of the proposed building is almost half a metre lower than the surrounding land. In the case of the neighbour to the south west (number 16 Bewsbury Crescent) I do not consider that there would be any adverse impact caused by the size of the building, which has a pitched and hipped roof sloping away from this dividing boundary. This is especially true in that this neighbour's garden lies to the south west of the proposal and there would thus be no overshadowing or loss of sunlight.
- 2.3 In the case of the neighbours to the south east (numbers 12 and 14), although the bi-folding garden room doors look towards these properties, because of the lower ground level of the proposal, and the height and depth of the boundary treatment and distance between building and dividing boundary, there will be no potential interlooking or overlooking of private areas.
- 2.4 The design of the roof to the new building, and lower ground level than no 16 (to the south west) would mitigate any overbearing or overshadowing impact to an acceptable degree. There are no overlooking opportunities.
- 2.5 Insofar as potential noise and disturbance is concerned, I note that the access drive to the new garage would pass close to the new 'back land' bungalow on the northwest flank of the applicant's garden area. However, in view of the limited traffic movements likely I do not consider that any minor additional activity and light disturbance would be significantly greater than normal routine use of a domestic garden area and therefore not sufficient to recommend refusal. In this context it should be borne in mind that the proposal may constitute 'permitted development' were the roofline of the garage/garden room to be lowered by one metre.

Character and Appearance of the Area

- 2.6 The proposal is set within the rear garden area and not readily visible from the public realm. Although slightly higher than a 'permitted development' outbuilding, it would have no adverse impact on the character and visual amenity of the area. The roof form is of an acceptable appearance.

Boundary Issues

- 2.7 As originally submitted the plans appeared inaccurate insofar as the south western boundary is concerned. Revised drawings have been received which correct a minor error in regard to the rear boundary of the plot adjacent to number 16.

Highway Issues

- 2.8 There is an existing (informal) means of access at the point shown on the submitted plans, albeit this seems to have been constructed within the past few years and the applicant has said has only been used occasionally and that a future application would be made to KCC Highways for a dropped kerb.

Trees

- 2.9 An objector is correct in that a number of trees have recently been removed. These trees were within a domestic garden, not within a Conservation Area or the subject of a Tree Preservation Order and their removal cannot be controlled by the Local Planning Authority

Future Use of the Building

- 2.10 The majority of neighbouring objections related to the possible future use of the building and the perceived potential for it to become an independent ‘backland’ dwelling. This perception is probably re-enforced by the grant in 2006 of a back-land bungalow immediately to the North behind 6 Bewsbury Crescent.
- 2.11 Notwithstanding the above mentioned permission all applications are determined on their own merits and any application for use of this building as a separate dwelling would need an express planning permission. The existence of an outbuilding, in itself, would not set a precedent for a separate residential use. Further, I consider that a ‘no habitable use’ condition can also bring under planning control any potential use as a residential annexe thus addressing residents’ concerns as well as the concerns of the Parish Council.

Other Issues

- 2.12 The Parish Council has rightly pointed out that there is an existing single garage to the side of the property. The detached garage appears to have been part of the original dwelling which has been joined to the house pursuant to the 1985 and 2014 permissions and is currently, I understand, used for domestic storage.

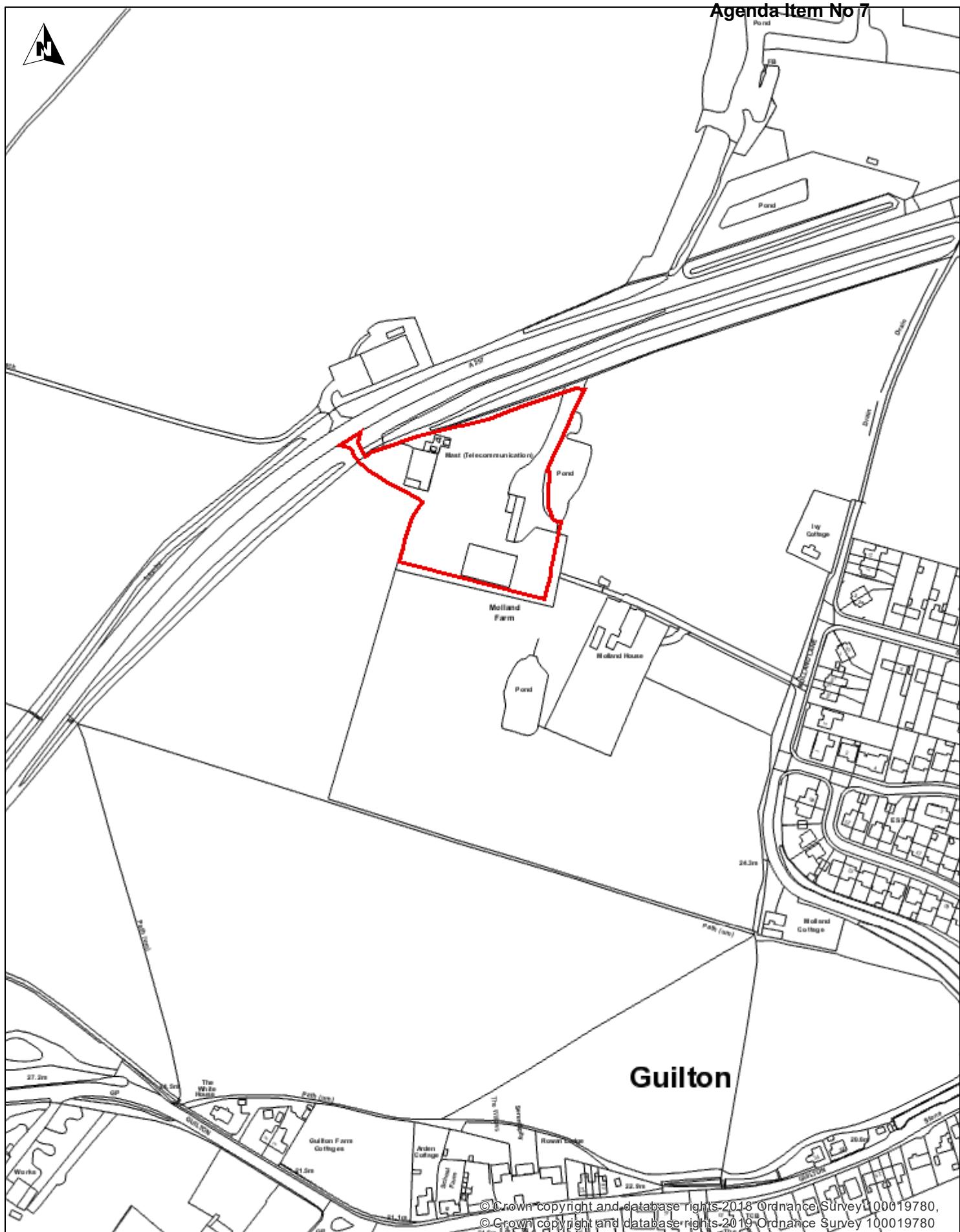
3. Conclusion

- 3.1 Overall, I consider the development would cause no undue harm to residential amenity, is satisfactory in terms of the visual amenity of the area and highway safety and, with appropriate conditions, the future use of the building can be controlled.
- 3.2 I therefore recommend planning permission subject to conditions be granted.

g) Recommendation

- (i) Planning permission **BE GRANTED** subject to conditions to include (1) time, (2) compliance with plans and (3) The use of the garage/garden room shall not be used for habitable accommodation.
- (ii) Powers be delegated to the Head of Regeneration and Development to settle any necessary issues in line with the matters set out in the recommendation and as resolved by planning committee.

Case Officer
Tony Jarvis



DOV/18/00820

Author: Planning Services

Molland Farm, Molland Lane, Ash, CT3 2HX

Scale 1:3,000

Map Dated: 20/02/2019

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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

- a) DOV/18/00820 – Change of use of former dairy building to stables, workshop and ancillary use; re-grading of farmyard; formation of hardstanding adjoining potato barn and installation of a culvert - Molland Farm, Molland Lane, Ash, Sandwich

Reason for Report: Number of contrary responses.

b) Summary of Recommendation

Planning permission be granted

c) Planning Policy and Guidance

Dover District Core Strategy 2010

- DM1 - Development within the built confines.
- DM4 – Re-use or conversions of rural buildings.
- DM15 - Protection of the countryside.
- DM16 - Protection of the landscape.
- CP1 – Settlement Hierarchy.

Dover District Local Plan (2002)

- Saved Policy DD21 – Horse-related development.
- Saved Policy ER6 – Lighting in the countryside

National Planning Policy Framework (NPPF) 2018

- Paragraph 8 – the three objectives of sustainability.
- Paragraph 11 – presumption in favour of sustainable development.
- Paragraph 83 – prosperous rural economy.
- Paragraph 127 – achieving well-designed places.
- Paragraph 130 – permission should be refused for poor design.
- Paragraph 170 – decision should contribute to and enhance the natural and local environment where possible.
- Paragraph 180 – development is appropriate for its location.
- Paragraphs 193-196 – impact on historic assets.

DDC Landscape Character Assessment (2006)

Preston and Ash Horticultural Belt

d) Relevant Planning History

No relevant history.

e) Consultee and Third Party Responses

Ash Parish Council: No objection.

Environmental Health: No concerns raised.

East Kent PROW: Object as the increased use of the area of hardstanding would increase the number of vehicles crossing the footpath.

KCC Highways: The proposal would not result in increased vehicle movements providing the extended area of hardstanding is not used for external storage, and that further details are sought with regards to the workshop and equine use. These details were sought and no further concerns have been raised.

Third Party: 2 no. Support; 8 no. Objections

- Concerns raised that farmyard has been made much larger.
- Traffic concerns on to A257.
- Should use barn on other side of road only.
- Carpenter's workshop would result in noise.
- Intend to bring produce from other farms.
- The site is an eyesore.
- Increase in farm traffic.
- Impact on amenity of Molland House B&B.
- Dust from the turning area/extended hardstanding impacting Molland House.
- Looks like an industrial site in a village.

- Cleaned up an eyesore and returned site to usable farmyard.
- No increase in vehicle movements.
- It was never maintained in the past; now looks fit for purpose.
- Will help support a rural farm business.

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

- 1.1 Molland Farm is a large agricultural holding which has been divided by the Ash Bypass (A257). As such, it has farm buildings on both the north and south side of the A257 with the majority of the actively farmed land to the north whilst the majority of the farm buildings are on the south/Ash side. The application site takes in the main farmyard on the south side of the road and is surrounded by approximately 6ha of unfarmed arable land (this surrounding land is not included within the application site). The yard is partially separated from the surrounding land by a culvert which connects two drainage ponds; both within the surrounding farmland but outside of the application site. There are currently 3no. buildings on this land; a potato storage barn which is still in use as such, an open shelter for the storage of potato bins and hay (again, this is still in use), and a lower building which is formed of 4no. open-fronted bays, an office and workshop area. This building was derelict and the north-eastern wall had collapsed and is referred to as the Old Dairy.
- 1.2 The application site is largely screened from views from the A257 by a line of mature vegetation and the rise in ground level from the Bypass up to the farmyard. Only glimpses of the roof line of the larger barns is possible. To the north-east, the site is enclosed from views by mature vegetation although it remains open to the unfarmed arable land surrounding the site. The principal views are from Molland Lane and the public footpath. Molland Lane is 150m away from the application site but there is little screening of any form. Molland House, a Grade II listed building, is located within 25m of the farmyard. Public Footpath EE119A runs alongside Molland House and crosses the application site between the potato store and the old dairy building and down the access road.
- 1.3 Work has already been undertaken on the land without the benefit of planning permission. To this point, the works have mainly been the removal of several tons of builders spoil which had been left on the site by the previous tenants,

raising the land level within the farmyard by several metres. This builders spoil had accumulated on the site over several years, limiting access to the farm buildings. Restoration works have been undertaken by the applicants to reduce the land levels within the last 9 months, which is part of the development being applied for. This has allowed for unfettered access to all three agricultural buildings on the site..

- 1.4 The application also seeks permission to retain an enlarged area of hardstanding to the rear (south-east) of the potato storage barn which also included the installation of a culvert. The works have been recently completed and do not impact upon the public footpath running through the site, nor does it disrupt the drainage ditch connecting the two drainage ponds on the surrounding land.
- 1.5 The Old Dairy is being used for the keeping of horses. At the time of the site visit, there were 9 young ponies using the Old Dairy for shelter whilst a section of the farmyard (about the same area as the Old Dairy) was enclosed with bales of hay as a wind break and enclose as the dairy is open to the front. The repair works to the dairy were already completed.
- 1.6 The change of use of the Old Dairy is to allow the applicants to let out this space to a local horse breeder to keep some of the horses or ponies at times when there are too many to keep on his own land. The applicants have stated that this type of diversification is necessary to help support the ongoing farm business. The 4no. bays of the Old Dairy would be the only part of the farmyard to change use to the keeping of horses; the workshop (not a carpenter's workshop as noted in some of the consultation responses) and office space would remain ancillary to the farm and the land surrounding the application site would be used to graze the horses. No horses would be kept anywhere else within the farmyard and would generally be grazed around the clock, weather and grazing fodder permitting.
- 1.7 Overall therefore, the application is seeking to regularise the works which have already been carried out on the land and the change of use of part of the Old Dairy building to allow the continued keeping of horses.

2. Main Issues

- Principle of Development
- Impact on the visual amenity, countryside and landscape
- Impact on residential amenity
- Impact on heritage
- Highways and footpaths

Assessment

Principle of Development

- 2.1 The application site is outside of the settlement confines of Ash. As such, regard must be had, in the first instance, to Policy DM1 of the DDC Core Strategy (2010) which seeks to restrict development beyond settlement confines unless it functionally requires such a location, or is ancillary to the lawful use of the land. In this instance, it can be considered that the keeping of horses functionally requires a rural location, and the works for the regrading of the land and the extension to the area of hardstanding would be ancillary to the use of the land as part of an agricultural holding. The proposal

is considered to be compliant with Policy DM1 of the DDC Core Strategy (2010) but remains subject to other material considerations.

Impact on Landscape and Countryside

- 2.2 The application site is not within any designated landscape but was covered by the DDC Character Assessment (2006) and is within the Preston and Ash Horticultural Belt. Views of the site are very limited from the Ash Bypass, but there are views possible from both Molland Lane, and from the right of way which runs adjacent to the northern boundary of Molland House and then passes through the application site, over the extended area of hardstanding passing between the potato storage barn and the proposed stables.
- 2.3 The previous unauthorised land raising was of such a degree that it would have substantially impacted the character of both the countryside and landscape and would have been visible in views from Molland Lane and from the public footpath. The level of the farmyard has now been lowered by an average of 2m. It is considered therefore, that the re-grading and removal of the bulk of the unauthorised builders spoil has significantly improved the appearance of the site in views from both Molland Lane and from the footpath. It has also allowed for the farmyard to be brought back in to a practical, agricultural use.
- 2.4 The extension of the hardstanding (laid to gravel) behind the potato storage barn is to allow for the turning of lorries on the occasions when required. This area is visible from the public footpath which crosses it and ‘bridges over’ the drainage ditch connecting two drainage ponds together. A culvert has been installed which does not therefore, disrupt the drainage ditch. The land to the west of the ditch, forming part of the farmyard, was already laid to hardstanding and the east side has been re-grassed in preparation for the grazing of horses; it is unlikely that the small section of ditch covered over would have provided significant habitat for local wildlife. There is no development involved which prevents continued use of the public right of way.
- 2.5 Overall therefore, It is considered the operational development proposed has improved and enhanced the visual quality of the site and returned the form and appearance to something like it used to be. As such, would be unlikely to result in any harm to the character of the countryside or landscape and would be compliant with Paragraph 170 of the National Planning Policy Framework (2018) in this regard and with Policies DM15 and DM16 of the DDC Core Strategy (2010).
- 2.6 There are currently no plans to physically alter the building for the keeping of horses; stall doors and divisions may be added in time. Saved Policy DD21 of the Local Plan 2002 states that horse-related development will be granted provided:
- 1) It provides for the safety and comfort of horses in terms of the size of accommodation and land for grazing and exercising;
 - 2) Ease of access to suitable riding country can be demonstrated;
 - 3) Buildings are of a high quality design and construction and together with the related equestrian activities, do not adversely affect the character or appearance of the countryside or areas of historic environment;
 - 4) Where possible, existing building should be converted;
 - 5) Amenities of nearby residents are not adversely affected.

- 2.7 During my site meeting with the applicants, and subsequently confirmed by an email from an agent acting on their behalf received 28 January 2019, the horse keeping use applies only to the Old Dairy, and only the open half of this building (the workshop and office space would remain ancillary to the agricultural use of the land). This is where any horses being grazed in the adjacent fields would be fed in lean grazing times and where they would be brought in during inclement weather.
- 2.8 Having looked at the space within the building, I consider there is sufficient space for the keeping of 4 horses, or up to 8 young ponies at any time; more than this would be contrary to British Horse Standards and to Point 1 of Policy DD21 outlined above. The number of horses can be secured by a planning condition.
- 2.9 Based on the British Horse Society's standards, the surrounding fields are sufficient to provide maintained grazing for up to 14 horses (or more ponies if young). As such, it is considered that the fields would be adequate to satisfy point 2 of Policy DD21.
- 2.10 As the stables would be formed within an existing building, point 3) is not relevant and the proposal would satisfy point 4). The keeping of the horses in the stables, and the grazing of the horses on the adjacent land are unlikely to result in any harm to existing residential amenities; this was formerly a dairy farm which would have created more noise and smell.
- 2.11 It has been confirmed that the horses would belong to someone other than the applicants, who would be renting the stable space which would diversify the applicants' income stream, ancillary to the principal use of the land for farming. The horses are not being ridden and the site would provide a stabling facility for horses or, as is the case at the moment, young ponies. This site otherwise remains a working farmyard, including the potato storage building. It is considered that the proposal would be compliant with Saved Policy DD21 of the DDC Local Plan (2002).
- 2.12 There is no new lighting proposed as part of this application. However, in the email received 28 January 2019, it was noted that there may be some new lighting installed to allow safe care of the horses and this would be only used when someone was on site. At this stage, given the lack of detailed information and as no any lighting has been included in the submitted drawings, it would be reasonable to apply a planning condition requiring further details. This would be to protect the character of the countryside, landscape and night sky and to accord with Paragraph 180 of the National Planning Policy Framework (2018) and Saved Policy ER6 of the DDC Local Plan (2002).
- 2.13 In summary, the re-grading of the land levels has resulted in a marked improvement to the visual quality of the site itself, and to the character of the countryside and landscape. The extension to the hardstanding would have a neutral visual impact on the character of the countryside and landscape given the limited increase in area, and would have been unlikely to have resulted in the loss of any wildlife habitat. Finally, the change of use of the Old Dairy to allow the keeping of horses does not involve any new operational development and would be unlikely to result in any impact on the character of the countryside or landscape. As such, the proposal would be compliant with

Paragraphs 170-175 and 180 of the National Planning Policy Framework (2018) and to Saved Policies DD21 and ER6 of the DDC Local Plan (2002).

Visual Amenity of the Streetscene

- 2.14 As noted above, there are public views of the application site from Molland Lane (150m away to the east) and from the public footpath crossing the site. No harm to the character and appearance of the countryside or landscape was identified above. For a site in the countryside, if no harm has been identified to either the countryside or landscape, it is unlikely there would be any harm to the visual amenity of the street scene. As such, the impact on views from the footpath would likely be negligible.
- 2.15 However, the application site is also visible from within the built up area within the settlement confines (Molland Lane). The settlement confines are located 160m from the application site and any views from the built up area are necessarily over a distance. The land in this area is relatively flat and as such, the unauthorised raising of land levels would have been significantly more visible. The re-grading of the land has likely enhanced the visual amenity of the site. The site is a working farmyard and now appears as such.
- 2.16 The Old Dairy opens into the farmyard and has the rear wall facing Molland Lane. The keeping of horses as such would have little to no impact on the visual amenity of the street scene.
- 2.17 Overall therefore, it is unlikely that the proposed works or change of use would have any impact on the visual amenity of the street scene. It is considered that the proposal would be compliant with Paragraphs 127 and 130 of the National Planning Policy Framework (2018) in this regard.

Impact on Heritage

- 2.18 Paragraph 189 of the NPPF states that “in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance”.
- 2.19 Paragraph 195 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Where development would lead to serious harm then planning permission should be refused. Where there is less than substantial harm the consideration has to be given to the criteria set out in paragraphs 196 and 197 of the NPPF.
- 2.20 As noted above, the re-grading of the site has enhanced the visual quality of the application site. Given this, it can be considered that the proposal would in turn enhance the setting of the nearby Grade II listed Molland House. The use of the Old Dairy for the keeping of horses would be unlikely to have any negative impact on the setting of the historic dwelling as it faces away from Molland House, into the farmyard itself.

- 2.21 The enlargement of the hardstanding has brought the hardstanding somewhat closer to Molland House (about 3m closer at the maximum), has only increased the overall area of hardstanding modestly and has largely ‘squared off’ what was an oddly shaped and more informal area of hardstanding. It remains separated from the listed building by both existing and newly planted vegetation. The newly planted vegetation is not within the application site and cannot therefore be conditioned however, the area of hardstanding would be unlikely to result in any harm to the setting of the heritage asset as it is typical of a farmyard and would therefore be in keeping with its setting.
- 2.22 Overall therefore, the proposal would not be likely to result in material harm to the historic or architectural interest of the setting of the host listed building and would therefore be in line with Paragraphs 193-197 of the National Planning Policy Framework (2018).

Impact on Residential Amenity

- 2.23 The closest residential neighbour, Molland House, is located approximately 20m from the enlarged hardstanding, beyond the existing and newly planted vegetation. No noise concerns were raised by Environmental Health with regards to the turning of lorries on this land. It is unlikely that there would be a high number of vehicle movements onto the site given the potato barn is already in use as such and would not be expanded. Any future noise nuisance could be dealt with under Environmental Protection legislation.
- 2.24 No information has been provided with regard to the storage and disposal of manure and muck. However details of the waste management scheme can be secured through a planning condition. There would be no livery use of the site, nor any riding of the horses and this can be secured by planning condition. Given this, the use of the Old Dairy for the keeping of horses is not likely to result in any impact on amenity. The proposal would be unlikely to result in any harm to existing residential amenities and would therefore be compliant with this aspect of Paragraph 127 of the National Planning Policy Framework (2018).
- 2.25 The grazing of horses on agricultural land does not constitute a change of use and the grazing land is also outside of the red line of the application site.

Highways and Footpaths

- 2.26 KCC Highways requested that a condition securing against outdoor storage on the area of hardstanding be applied to any permission and that further details with regards to the horse use be obtained. Whilst outside storage on the enlarged section of the hardstanding can be restricted, it cannot be restricted on the existing section of the hardstanding which has been in place for a number of years. Whilst the intention of this condition would be to ensure against an over-intensification of the use, thereby requiring more vehicle movements into and out of the application site, this is not considered reasonable. There are no restrictions on the remainder of the farmyard and as such, whilst the hardstanding could be retained only for the turning of vehicles, this would not stop the potential for extensive external storage on the remainder of the application site. It is not considered reasonable to restrict the use of the area of hardstanding in this instance.

- 2.27 The information requested by KCC Highways was requested and submitted and it was clarified that the proposed use, whilst renting out stable space, would not be equivalent to a traditional livery use. As noted previously, a planning condition can be applied to prevent the use of the land for any additional commercial equine use. The horse use is low-key and does not involve commercial activity as such and would be unlikely to unduly add to traffic generation.
- 2.28 It has been noted that the barn provided on the north side of the bypass should be used and not those on the south as this barn was provided by the Highway Agency to overcome the need to cross over the bypass. It was not the intention for the barn on the north side to replace those on the south. It was intended to help reduce the need and frequency of the crossings. The application site has never ceased being part of Molland Farm or ceased being an integral part of the farm infrastructure.
- 2.29 The proposed development would not block or re-align the existing Footpath EE119A. East Kent Public Rights of Way have objected to the extension to the hardstanding on the grounds that increased vehicle traffic would cross Footpath EE119A. Whilst I understand this view, either a footpath was put through an existing farmyard, or farm buildings were permitted on either side of the footpath. I do not consider that this objection can be sustained given that the works to the hardstanding could be considered permitted development and vehicles already cross the footpath at several other points within the application site. The situation would not be materially worsened as a result of this proposal.

3. Conclusion

- 3.1 The proposal would provide an element of financial support to an existing agricultural business. In economic terms, the minor element of diversification would bring about a benefit. It is not considered that the proposed works or change of use would result in undue harm to the visual amenity of the street scene nor to the character of the countryside or the scenic beauty of the landscape and would be compliant with Paragraphs 127 and 170 of the National Planning Policy Framework (2018) and Policies DM15 and DM16 of the Core Strategy (2010).
- 3.2 It is not considered that the proposed development would result in any undue harm to the residential amenities of the adjacent dwellings and would comply with Paragraph 127 of the National Planning Policy Framework (2018).

g)

Recommendation

- I Planning Permission BE GRANTED subject to the following conditions:
- 1) In accordance with approved plans;
 - 2) Details be submitted outlining a scheme for waste/muck management;
 - 3) The use of the former dairy building for the keeping of horses hereby permitted shall be strictly limited to use for the stabling of horses which are grazing the land within the application site [and the storage of associated equipment and feed] and shall at no time be used for any other purpose, including the keeping of horses at livery

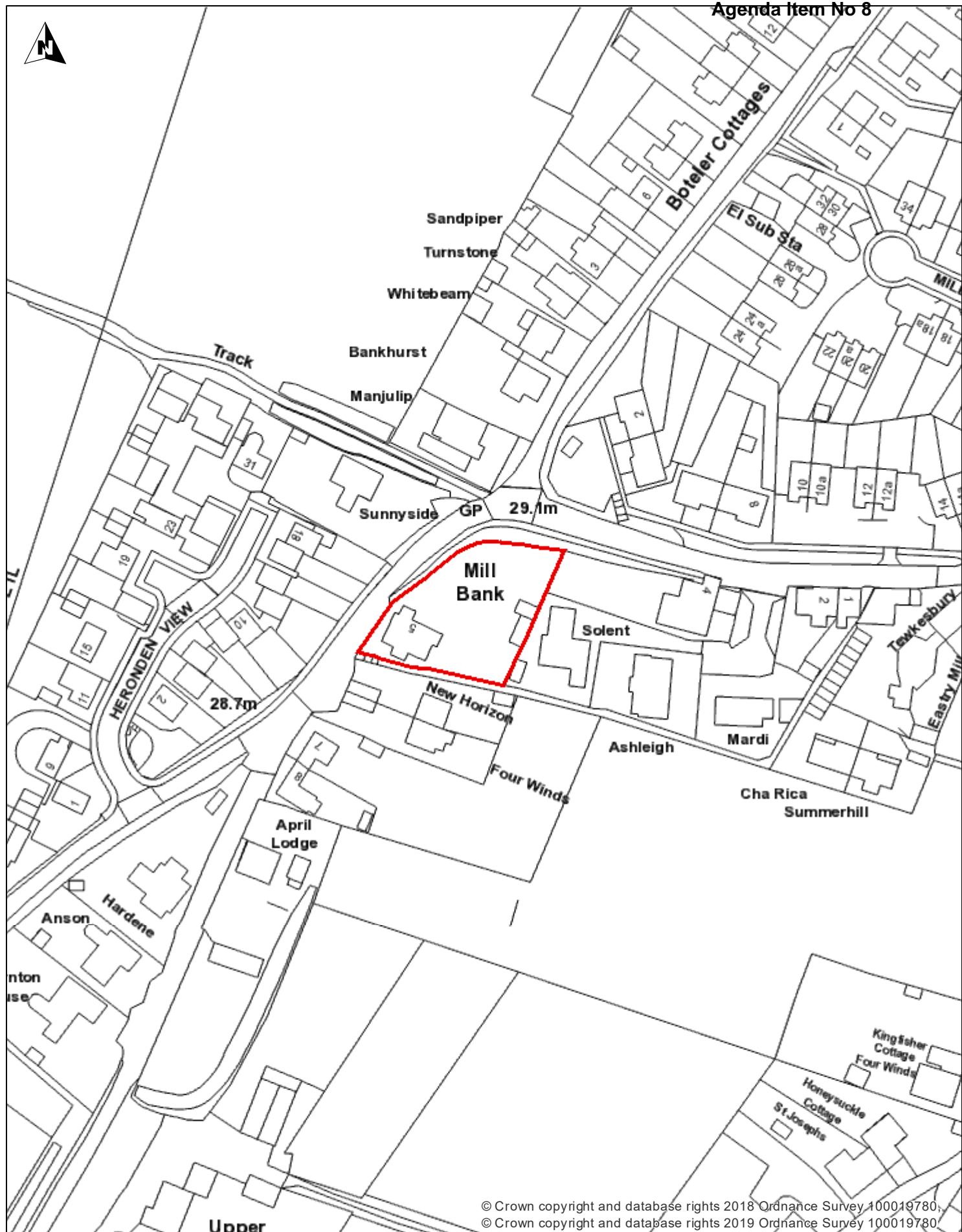
(whether the care of such horses is provided by the owner of the horse or otherwise) or as a riding school.

Reason: In the interest of residential amenity and highway safety;

- 4) Details of any external lighting to be submitted;
 - 5) Landscaping details showing location of trees and other planting necessary for adequate screening.
- II No development, storage or vehicle parking to block the PROW during or after the development.
- III Accommodation for horses to comply with BHS welfare standards.
- IV 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 the Planning Committee.

Case Officer

Andrew Wallace



DOV/18/01266

Author: Planning Services

5 Mill Bank Cottages, Mill Lane, Eastridge, CT13 0LG

Scale 1:1,250

Map Dated: 20/02/2019

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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

- a) **DOV/18/01266 - Erection of a detached dwelling, two bay car port and sunken terrace (existing outbuilding to be relocated) - Land at 5 Mill Bank Cottages, Mill Lane, Eastry, Sandwich**

Reason for report: Number of contrary views (6).

- b) **Summary of Recommendation**

Planning permission be refused.

- c) **Planning Policies 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.

A summary of relevant planning policy is set out below:
Core Strategy Policies

- CP1-The location and scale of development in the District must comply with the Settlement Hierarchy. Eastry is identified as a Local Centre and a secondary focus for development in the rural area.
- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM13 – Provision for parking should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for non-residential development, and for residential cycle provision, should be informed by Kent County Council Guidance SPG4, or any successor. Provision for residential development should be informed by the guidance in the Table for Residential Parking.

National Planning Policy Framework 2018 (NPPF)

- Paragraph 2 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”.
- Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- Paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, are sympathetic to local character and history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users. Paragraph 47 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing'.
- Chapter five of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years' worth of housing.
- Paragraph 177 states 'The presumption in favour of development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.'

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/07/00700 - Outline application for single storey dwelling two bedroom dwelling with parking/garage-Refused

e) **Consultee and Third Party Responses**

Parish Council

No objections.

Southern Water

Requires a formal application for a connection to the public sewer in the event that planning permission is granted.

County Archaeologist

Notes that:

"Eastry is archaeologically important because of its location adjacent to the former Dover to Richborough Roman road as well as the settlements known and potential significance in the early medieval period. Four separate cemeteries dating from this period are also recorded in and around the periphery of the present village. One of these lies some 150m to the south of the application site. The fields to the south east of the application site also contain extensive evidence of ancient

landscapes in the form of cropmarks visible on aerial photography. These cropmarks illustrate the presence of former trackways, enclosures and field systems of unknown date. For the above reasons a Watching Brief Archaeological condition is recommended.”

Kent Highways

The KCC Highways Engineer has indicated verbally that one additional dwelling will not impact on highway safety. In response to comments from neighbours the KCC Highways Engineer has stated that there are no plans to add double yellow lines adjacent to the site.

KCC PROW Notes the proposal will not have any direct impact on the public footpath EE256 to the south of the site.

Third Party Representations

A total of 15 representations have been received. Of these 9 are in support and 6 raise objections. Some of the letters of support are from addresses outside of the village and in some cases outside the district. Those in support make the following comments:

- The modern design is vibrant and sophisticated and will not blight the surrounding area.
- Building on land within the village confines is more suitable than taking valuable Green Belt land.
- Reference has been made to traffic congestion/parking on this corner. Correspondents suggest that the proposal will lead to the introduction of parking restrictions in the vicinity. Road users consider the proposal will stop dangerous parking on this corner.

Those against the proposal make the following comments:

- The design of the property is too modern and out of keeping with the area.
- The occupants of the new dwelling will be overlooked and will overlook the occupants of adjacent houses. This will lead to loss of privacy for existing and proposed residents.
- The existing on street parking in the vicinity of the site causes obstructions for road users including lorries and double decker buses. The proposed property will only add to the danger for users of this busy narrow road.
- Reference has been made to a previously refused dwelling on the plot.

f) 1. Site and Proposal

- 1.1 The application relates to land at Number 5 Mill Bank Cottages. The existing property is a two storey detached house comprised of white painted brickwork with a tiled roof. It is situated in the south western corner of its plot that is elevated above road level by approximately 3.3m. Number 5 benefits from a relatively flat garden that extends to the north and east of the property.
- 1.2 The property lies on the south side of the junction of Mill Lane with Upper Gore Lane and within the settlement confines. The northern boundary comprises a brick wall approximately 1.8m in height above which is a picket fence with deciduous hedge

behind. This wall is set back approximately 3.5m from the back edge of the highway and is separated from the pavement by a slightly elevated grassed verge. Number 5 is reached via a block paved driveway positioned adjacent to the bend in Mill Road and adjacent to the grassed verge area. The driveway leads up to the parking area in front of the house. Within the garden area of number 5 there is a substantially sized detached outbuilding with domestic appearance positioned adjacent to the eastern boundary of the site. Number 5 is adjoined on the southern side by a Public Right of Way.

- 1.3 To the east of the application site is a detached pitched roof bungalow known as Solent, which also occupies an elevated position above road level. This dwelling has two clear glazed windows on the western side facing the application site. The slab level of Solent is slightly higher than the garden of number 5.
- 1.4 There is a mix of property sizes and styles in the vicinity, but in general they are of a traditional style with either hipped or ridged roofs. The area has a semi-rural character due to its location close to the edge of the village and the open countryside beyond.
- 1.5 Full planning permission is sought to sub-divide the plot of number 5 and erect a detached two storey dwelling on the northern part of the property, involving significant excavation of part of the existing garden.
- 1.6 The proposed house would comprise two floors and would have a two storey appearance from the Mill Lane frontage. At the rear (southern elevation) it would appear as single storey due to the lower floor being concealed from view within the excavated area. The lower ground floor would accommodate three bedrooms, bathrooms and a utility room. The majority of the lower floor accommodation would have a northerly aspect with the exception of bedroom 1 which would look out onto a sunken paved patio. There would be steps leading up from this area to the elevated rear garden. The upper floor would accommodate the kitchen/living/dining area and a study. The rear elevation of the property would be glazed across its entire width with sliding doors opening out onto a decked area.
- 1.7 The proposed dwelling is of a contemporary design and is described as “a style which is of its time rather than a pastiche of earlier styles.” It would have a flat roof with the exception of the western most section which would incorporate a mono-pitched roof sloping down from south to north.
- 1.8 The house would be finished with a rendered façade at lower ground level and red cedar timber cladding to the upper ground floor. The feature wall separating the living and circulation spaces would be clad with black weather boarding. Boundary treatments would comprise new and existing close boarded fencing.
- 1.9 The proposed dwelling would be reached via the existing driveway for number 5. This would lead to a green roofed car port situated in the south western corner of the proposed plot. A new pedestrian access would be created leading from the northern side of the plot.
- 1.10 The existing dwelling would be retained together with the remainder of the garden to the east, including the outbuilding which would appear to be re-positioned further south. Vehicle access and manoeuvring space would be shared and three parking places retained towards the western side of the plot for the occupants of number 5.

2. **Main Issues**

The main issues are:

1. The principle of the development
2. The impact on the character and appearance of the area
3. The impact on residential amenity
4. The impact on the highway network
5. The impact on ecology

Assessment

Principle of the Development

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose 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.
- 2.2 The site lies within the settlement confines of Eastry where the principle of the development is broadly acceptable in terms of policy DM1.

Impact on the Character and Appearance of the Area

- 2.3 Whilst the principle of the proposal is in accordance with adopted policy DM1, it is necessary to give careful consideration to the specific nature of the scheme having regard to the character of the area, the relationship with the host dwelling and surrounding properties and the standard of accommodation to be provided, including parking provision.

Character of the Area

- 2.4 This part of Eastry consists of a mix of property ages, styles and materials. The plot sizes and shapes also vary in the vicinity of the application site. Some dwellings are elevated above road level and others are set back from the level of the highway. Whilst it is acknowledged that there is a mix of residential styles and slab levels in this part of the village, it is noted that the properties are generally of traditional appearance and materials.
- 2.5 The proposed dwelling in contrast would be of a modern, largely flat roofed design and would be finished in render with timber cladding. Whilst such a design and materials are acceptable in their own right they are not a common feature in this part of Eastry.
- 2.6 Unlike the scheme refused in 2007 the current proposal is for a larger dwelling that would be arranged over two floors and would involve a significant amount of excavation of the northern part of the site together with the removal of the front boundary wall and fence/hedge.

History

- 2.7 It is necessary to have regard to the recent planning history for the site-application DOV/07/00700, which is a material consideration. This application was in outline form with all matters reserved other than the means of access. The submitted indicative

plan showed a two bedroom bungalow set at a similar slab level to Solent with the rear elevation roughly in line with the front elevation of this property. It was proposed to make use of the existing access and to enlarge the parking area. This application was refused for the following reasons:

- "1. The proposal if permitted would (on the basis of the information provided on the indicative plans) be likely to result in an isolated and prominent development which would appear as an incongruous feature, unrelated to the prevailing spatial and visual character of the area, contrary to Dover District Local Plan policy DD1 and DD5 and Kent and Medway Structure plan policy QL1."*
- 2. The indicative plans fail to illustrate how a dwelling could be sited on the plot without harming the residential amenities of the adjacent dwelling "Solent". By virtue of the indicative siting and the relationship with "Solent" it would cause an unacceptable sense of enclosure and corresponding loss of outlook together with a detrimental impact on the amount of natural light received, significantly affecting the residential amenities that the occupiers of this property could reasonably expect to enjoy. The proposal would therefore be contrary to Dover District Local Plan policy DD1 and the Kent and Medway Structure plan policy QL1."*
- 2.8 Since 2007 various new national Planning documents/guidance have been produced including the NPPF (2012) which has been replaced by the NPPF (2018). In addition there have been changes at local level with the adoption of the Core Strategy in 2010.
- 2.9 Paragraphs 124, 127 and 130 of the NPPF 2018 outline the need to create high quality buildings and places and ensure that development adds to the overall quality of the area. In particular development should be sympathetic to the local character and history including the surrounding built environment and landscape setting.
- 2.10 With regard to the nature of the application site there do not seem to have been any major changes in the physical features at the site since 2007. Whilst the policy framework has altered over time, the general principle regarding development within the settlement confines remain the same i.e. to achieve a high standard of design, whilst having regard to the residential amenities of existing neighbouring occupants.
- 2.11 Unlike the refused scheme the current proposal is for a larger dwelling that would be arranged over two floors and would involve a significant amount of excavation of the northern part of the site together with the removal of the boundary wall and fence/hedge. The current scheme shows a two storey dwelling positioned in a similar location within the site to the refused 2007 application. From the road frontage it would appear as a two storey dwelling rather than an elevated bungalow. From the rear the dwelling would again have a single storey appearance albeit in a different style.
- 2.12 The excavation of the site frontage and introduction of a dwelling in this location would result in a significant change in the street view of Mill Lane. Part of the grass verge and much of the retaining wall, elevated fence and hedging would be removed to enable an extensive part of the front garden to be excavated to accommodate the proposed two storey dwelling. The proposed works would have a significant impact on the appearance of the street scene by reason of the volume of excavation and opening up of the site frontage. These works would alter the rural character of the lane and are considered to be detrimental to the visual amenities of the locality. Although the proposed dwelling would be set back approximately 3.5m from the Mill Lane frontage, the two storey house would appear as a dominant and incongruous feature by reason of its bold contemporary design and use of alternative materials.

2.13 The combination of the excavation works required and change to the appearance of the street scene are considered to be contrary to paragraphs 127c) of the NPPF which seeks to ensure that planning decisions are sympathetic to the local character including the surrounding built environment and landscape setting. Whilst the Council would not wish to discourage high quality design it is still necessary to have regard to the established character of the locality.

Impact on Neighbours

- 2.14 As with the previous application there is concern about the relationship of the proposed dwelling with the bungalow called Solent, immediately to the east. This bungalow is L shaped and projects forward beyond the northern elevation of number 5 Mill Bank Cottages. Solent incorporates clear glazed windows in the western side serving an office/bedroom and dining area which face across the application site over the existing outbuilding adjacent to the eastern boundary of the garden of number 5. The boundary treatment between the two properties comprises a mix of low wooden fencing and a mesh fence which are understood to be under the ownership of the occupants of Solent. There is some evergreen hedging growing on the application site beyond the applicants outbuilding and adjacent to the fencing belonging to Solent.
- 2.15 The upper floor of the proposed dwelling would be sited at a slightly lower level than Solent and at the nearest point would be approximately 7m away. The sunken paved area to the rear of the lower ground floor bedroom would be located around 3.5m distance from the front corner of Solent.
- 2.16 It is appreciated that a 1.8m fence is shown along the boundary with Solent and some mixed shrub planting is shown in the narrow space remaining between the sunken paved patio and the boundary. Solent has a slightly higher slab level and there remains concern about the possibility of overlooking from Solent towards the proposed dwelling, once the existing boundary treatment/planting is removed from the application site along the mutual boundary.
- 2.17 Given the proximity of the proposed dwelling to Solent the construction of a fully glazed rear elevation and the slightly higher slab level of Solent, there is concern about the standard of amenity that the occupants of the proposed dwellings would enjoy. The glazed rear elevation and adjoining decked patio area would be located close to Solent which has clear glazed windows in the western side. There is concern that the elevated siting of Solent would result in an unsatisfactory level of privacy for the occupants of the proposed dwelling. It is considered that the proposal would not achieve a satisfactory standard of residential amenity for the occupants of the proposed property contrary to the aims of paragraphs 124 and 127 of the NPPF.

Highway Impacts

- 2.18 KCC Highways would not normally comment on a proposal of this scale. The proposed development would make use of an existing vehicular access associated with 5 Mill Bank Cottages. The use of this drive way by one additional dwelling would require considerate driving by the occupants of the properties concerned but would not have an unduly harmful impact on the number of vehicles accessing Mill Lane. A satisfactory number of off street parking spaces and manoeuvring areas would be provided for the occupants of the existing and proposed dwellings in accordance with the requirements of Policy DM13.

- 2.19 Reference has been made in the representations to existing on street parking around the bend of Mill Road and the problems this creates for lorries and the double decker buses which travel through the village. This is apparently an existing situation that is not associated with the host dwelling, which has its own satisfactory off street parking spaces. The proposed dwelling is also shown as having off street parking and as a result should not affect existing parking levels in the vicinity.

Ecology

- 2.20 The application site comprises garden land. There are no specific ecological interests on site.

Appropriate Assessment

- 2.21 The proposed development requires that an appropriate assessment be undertaken in relation to the potential effects of recreational pressure on the European sites at the Thanet Coast and Sandwich Bay.

The following appropriate assessment has been undertaken on that basis.

The Conservation of Habitats and Species Regulations 2017, Regulation 63: Appropriate Assessment

- 2.22 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.23 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.24 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.25 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.26 Given the limited scale of the development proposed by this application, a contribution towards the Council's Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.

Archaeology

- 2.27 The site lies in an area with archaeological potential. Given the scale of the proposed development, it is considered that there is a reasonable likelihood that the

development will impact upon heritage assets of archaeological interest. Consequently, it is considered that it would be reasonable to require an archaeological watching brief in the event that planning permission is granted.

Drainage

- 2.28 Southern Water has requested a formal application for a connection to the public sewer. This matter can be covered by a safeguarding condition in the event that planning permission is granted.

3. Conclusion

- 3.1 The application has been given careful consideration having regard to adopted local and national planning policies and guidance. Despite the fact that this site falls within the identified settlement confines of the village, the development is not considered to be in accordance with the aims and objectives of the NPPF.
- 3.2 The assessment concludes that due to the location of the proposed dwelling in relation to the adjacent properties and the siting of the dwelling close to the back edge of the highway and the degree of intervention and change necessary to the street frontage, the development would cause harm to the semi-rural character and appearance of Mill Lane and proposed residential amenities.
- 3.3 It is concluded that the scheme does not meet the requirements of paragraphs 124 and 127 of the NPPF and as such it is therefore recommended that planning permission is refused.

g) Recommendation

I REFUSE PLANNING PERMISSION for the following reasons:

1. The proposal would result in a prominent and incongruous form of development which by virtue of the change in land form and excavation required, together with loss of natural screening and the forward siting of the dwelling and its size and design, would appear unrelated and detrimental to the prevailing spatial and visual character of the area contrary to the aim of paragraph 127 of the National Planning Policy Framework.
2. The private amenity space associated with the proposed dwelling would be sited in close proximity to the adjacent property known as Solent, such that harm would be caused to the level of private residential amenity enjoyed by the occupants of the proposed property to the detriment of their living conditions, contrary to paragraph 127f of the National Planning Policy Framework 2018.

Case Officer

H Johnson



Not to scale

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Application: DOV/18/00643

Land on the West Side of
Moat Lane
Ash
CT3 2DG

TR28915835



- a) DOV/18/00643 – Erection of a dwelling - Land on the west side of Moat Lane, Ash, Sandwich

Reason for report: Number of contrary views (28).

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy Policies

- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM11 – Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies.
- DM13 – Provision for parking should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for non-residential development, and for residential cycle provision, should be informed by Kent County Council Guidance SPG4, or any successor. Provision for residential development should be informed by the guidance in the Table for Residential Parking.
- DM15 - Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 - Generally seeks to resist development which would harm the character of the landscape, unless it is in accordance with a Development Plan designation and incorporates mitigation measures, or can be sited to avoid or reduce the harm and/or incorporates design measures to mitigate the impacts to an acceptable level.

National Planning Policy Framework 2018 (NPPF)

- Paragraph 2 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”.
- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These three overarching objectives are interdependent and need to be pursued in a mutually supportive way.
- Paragraph 11 states that where development accords with an up-to-date development plan it should be approved without delay; or where there are

no relevant policies or the most important policies for the determination of the application are out of date, then also granting consent. Where there is a clear reason for refusing the proposed development due to conflict with an area/asset of particular importance (as identified in the framework); and/or where any adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when taking the Framework as a whole, then planning permission should be refused.

- Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- Paragraph 47 ‘Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing’.
- Chapter five of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years’ worth of housing.
- Chapter nine of the NPPF seeks to promote sustainable transport.
- Chapter twelve seeks to achieve well-designed places, with the creation of high quality buildings and places being fundamental to what planning and development process should achieve.
- Chapter fifteen requires that the planning system contributes to and enhances the natural and local environment, by recognising the intrinsic character and beauty of the countryside, protecting valued landscapes, geological conservation interests and soils, recognising the value of ecosystems, minimising impacts on, and where possible enhancing, biodiversity, preventing pollution and remediating contamination.
- Chapter sixteen of the NPPF seeks to conserve and enhance the historic environment.
- Paragraph 177 states ‘The presumption in favour of development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.’

The Kent Design Guide

This states that ‘the restoration, modification or extension of any building requires a sympathetic approach and this is particularly the case with heritage areas including historic buildings and townscape. Even a seemingly minor alteration can be damaging to an individual building or group’.

Sections 66(1) and 72(1) of Planning (Listed Buildings and Conservation Area) Act 1990

Section 66(1) of the Act states that, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.'

Section 72(1) states that, 'In the exercise, with respect to any building or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

d) **Relevant Planning History**

DOV/95/00644 - Erection of one dwelling. Refused. Dismissed appeal.

e) **Consultee and Third Party Responses**

Ash Parish Council

- It is outside the settlement confines of the village of Ash.
- Overdevelopment of the site due to size building
- Design of the building incompatible with the conservation area and the street scene
- The narrowness of the lane will cause safety and access issues for traffic and is unsuitable for further development.

Reconsultation: Ash Parish Council response received on 25 October 2018

- Design of the building incompatible with the conservation area and the street scene
- Access from Coombe Lane is not possible for large vehicles
- The building should be conditioned to finished in brick.

County Archaeologist

No objection subject to a watching brief condition.

Southern Water

No objection however an informative has been recommended to be attached to the permission.

Heritage Officer

- The layby is uncharacteristic of the rural lane.
- The building would dominate views from the rear of the listed buildings and the open rural character of the site.

Public Representations:

Twenty seven (28) representations received objecting to the planning application and raising the following relevant planning matters:

- out of proportion.
- set a precedent
- an architectural monstrosity devoid of imagination, creativity and intelligence
- detrimental to the local environment
- negative impact on local community
- overshadowing

- too large and not in keeping with the existing properties
- the lane has limited sight lines and blind bends
- lane is used by cyclists, horse riders and dog walkers
- increased traffic on Moat Lane
- detract from the setting of a Conservation Area
- unsightly and overpowering
- harm to TPO trees adjacent to the site
- increased noise and disturbance

Two (2) representations received supporting the planning application and making the following comments:

- not cause strain to the existing sewer system
- it is not in a Conservation Area
- the application has a purposefully designed a lay-by in the road to help with traffic
- nice house instead of an overgrown piece of land

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

- 1.1 The application relates to a triangular parcel of land sandwiched between Holly House to the west and Three Chimneys to the south. The site appears to have recently been cleared of vegetation and is relatively flat. The application site lies on the smooth bend of Moat Lane and abuts the southwest edge of the road. For the purposes of planning, it lies adjacent to the confines of Ash (defined as a local centre in the policy CP1 of the Core Strategy) and within the countryside. The application site has an existing unmade (informal) access off Moat Lane. Opposite the application site across Moat Lane to the northeast, there is a row of listed terraced properties which back onto Moat Lane and front The Street. To the southwest of the site is the open countryside. To the southeast along Moat Lane lie farmsteads including Moatwell and Moat Farmhouse.
- 1.2 The proposal seeks full planning permission for the erection of a two storey 4 bedroomed detached dwelling. The dwelling would have a hipped roof. The dwelling would be 7.2m in height, 11.2m in width and 8.5m in depth. It would have timber fenestration and riven style slate roof. Two offstreet car parking spaces have been proposed to the western edge of the dwelling. The western and southern boundaries of the application site would have 1.8m high close boarded wooden fence together with some vegetation along the boundaries.
- 1.3 The application was originally reported to Planning Committee on 22 November 2018. At the meeting, members resolved to defer determination of the application to allow for: obtaining an up to date OS map for the site and to get a further view from KCC Archaeology regarding any change in recommendation on account of having discovered that there were some historic structures on site in the 1890s. Following the Committee's resolution to defer determination of the application, a further report was received on 13th December 2018 from the applicant's agent which established the precise location of the historic structures on site between 1890 – 1923. It also provided a detailed up-to-date site location plan.
- 1.4 On receipt of this further information from the applicant's agent, KCC Archaeology was reconsulted. KCC resolved to make no further recommendations in relation to the historic structures on site. They advised that they were content with the previous recommendation for an archaeological watching brief condition.

- 1.5 The application was represented to Planning Committee on 24th January 2019. The submitted revised site location plan was circulated to the members prior to the Committee meeting.
- 1.6 Members raised concerns regarding the access arrangements, impact on the TPO tree, relationship to, and impact on, neighbouring properties and impact on the setting of the heritage assets within the Conservation area. The Committee therefore resolved to defer the application for a site visit which is scheduled to take place on 26th February 2019.

2. **Main Issues**

- 2.1 The main issues are:

1. The principle of the development
2. The impact on the character and appearance of the area
3. The impact on residential amenity
4. The impact on the highway network
5. The impact on ecology

Assessment

Principle of the Development

- 2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose 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.
- 2.3 Also, policy CP1 states that the location and scale of development in the District must comply with the Settlement Hierarchy which informs the distribution of development in the Core Strategy. Policy CP1 deems that sites outside of defined settlements are unsuitable for further development unless it functionally requires a rural location. DM1 states that development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses. The application site lies immediately adjoining the settlement confines of Ash which is defined as the Local Centre within the Core Strategy. Consequently, the development is contrary to the development plan.
- 2.4 At the present time the Council is unable to demonstrate a 5 year housing land supply. In March 2017 DDC Cabinet agreed to commence the review of the Core Strategy and LALP through the preparation of a single local plan. The decision to review the CS and LALP is an acknowledgement that in some cases the evidence base is out of date. With regard to this application, it's recognised that policies in the Core Strategy (Policies CP2 & CP3) are not up to date. However, some weight should still be applied to Policies CP1 and DM1 of the Core Strategy. This states that development will not be permitted unless it is justified by other development plan policies or it functionally requires such a location or is ancillary to existing development uses.

2.5 Regard will be had later in this report to whether there are any material considerations which indicate that permission should exceptionally be granted.

Impact on Character and Appearance of the Area

- 2.6 The site is within a sensitive location, being within the countryside, where policy DM15 applies. This policy directs that planning permission for development that adversely affects the character or appearance of the countryside will only be permitted if it satisfies one of four criteria and the development would not result in the loss of ecological habitats.
- 2.7 Regard should also be had to policy DM16 of the Core Strategy which generally seeks to resist development which would harm the character of the landscape, unless it is in accordance with a Development Plan designation and incorporates mitigation measures, or can be sited to avoid or reduce the harm and/or incorporates design measures to mitigate the impacts to an acceptable level.
- 2.8 Concerns were raised by the officers regarding the originally submitted plans, including the orientation, external finish of the building, and the layby proposed. It was considered that the proposed dwelling, by virtue of its overall scale and proximity to the lane, would result in an undesirable impact on the listed buildings backing onto Moat Lane whilst the proposed layby would detract from the modest character of the rural lane. The applicant's agent was forthcoming and the amended drawings were received on 01 October 2018.
- 2.9 The submitted amended plans demonstrate that the proposed dwelling would be orientated east-west (at an angle with Moat Lane) such that the dwelling's ornate elevation would face away from the rear elevations of the listed buildings and instead overlook Moat Lane to the southeast. It is also apparent that the proposed dwelling would maintain an appropriate setback from the road frontage (approximately 4.5m to 12.5m). The proposed layby has been removed and a native double hedgerow is proposed along the front boundary of the site, which is considered to add value to the semi-rural character of the lane.
- 2.10 The road (Moat Lane) serving the site is fronted by residential properties. Whilst the proposed dwelling would be visible from the countryside to the southwest, it would be seen against the backdrop of the existing terraced properties fronting and backing onto Moat Lane. Furthermore, an indicative landscaping scheme has been submitted with the application which makes it apparent that there will be vegetation along the southern and western site boundaries which will effectively screen the proposed dwelling to some extent in views from the southwest. This could be achieved by imposing a suitably worded condition with a view to secure a high quality landscaping scheme for the site. For the foregoing reasons, it is not considered that the proposed development would cause harm to the character and appearance of the wider landscape. As such, the proposal would not be contrary to policies DM15 and DM16 of the Core Strategy.
- 2.11 The street scene of Moat Lane predominately comprises two storey detached and terraced dwellinghouses closely packed together. It is acknowledged that the properties do not conform to a particular architectural style with each property differing from the next. A mix of exterior finishes to the properties in the immediate area are noted which include plain render, painted brick, exposed brick work and timber weatherboarding. Also, the properties in the area incorporate a variety of fenestration materials although timber is prevalent. It is also noted that some properties are setback from Moat Lane whilst some (towards northwest) sit on the

edge of Moat Lane. As such, there is no strong building line dictating the alignment of the dwellings. The amended location of the dwelling has been designed so that the visual relationship between the listed buildings to the north and the countryside would be maintained. Following the receipt of the amended drawings, a discussion has been had with the Heritage Officer regarding the amended scheme. The Heritage Officer was satisfied with the amendments and did not raise any further concerns.

- 2.12 The proposed dwelling would be finished in brick with timber fenestration and riven style slate roof. Whilst the proposed dwelling would be readily visible in Moat Lane, having regard for the siting, scale, separation distance and detailed design of the proposed dwelling, it is considered that the proposal would respond to the prevailing character of the existing buildings and the pattern of development within the locality. To ensure the retention of the existing character of the lane, a suitably worded condition could be attached to remove the permitted developments rights including Classes A, B, D and E.
- 2.13 It is not considered that the proposal would cause harm to the character and appearance of the street scene, the Conservation Area or the setting of listed buildings across Moat Lane to the northeast. Therefore, the proposal is considered to be in accordance with the Sections 66(1) and 72(1) of Planning (Listing Buildings and Conservation Areas) Act 1990. As far as the NPPF is concerned, the proposal is considered to be a sympathetic form of development which would not result in any harm to the heritage asset. Accordingly, the impact of the development would cause no harm to the significance of the heritage assets or their settings.

Impact on Neighbours

- 2.14 The finished dwelling would lie at a distance of approximately 10.7m from The Croft (to the west) and 16m from Three Chimneys (to the southeast). Having regard for the substantial separation distance, it is not considered that the proposed dwelling would cause a sense of enclosure, loss of light or overshadowing. Furthermore, no first floor level windows have been proposed to the elevations facing the neighbouring properties on either side. Therefore, no harm from overlooking would occur from the proposal. To mitigate any potential for overlooking in the future, a suitably worded condition could be imposed to remove the permitted development rights for the insertion of any new openings within the south (side) elevation.

Living Conditions of Future Occupiers

- 2.15 The proposed dwelling, together with their individual rooms would be of a good size, whilst all habitable rooms would be naturally lit. It would be provided with a large private garden and areas which could be used for refuge storage and general amenity space. As such, the living conditions of future occupiers would be acceptable.

Highways/Travel Impacts

- 2.16 Regard has also been had to Policy DM11 which states that development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies. The proposed dwelling would give rise to additional (albeit modest) travel in a location beyond settlement confines. However, the harm caused by the proposal in this respect is, at worst, negligible. The development, adjoining the confines and within walking

distance of the village centre, would also be located such that it would support the facilities and services in Ash, in accordance with the NPPF.

- 2.17 The development would provide a new vehicular access onto the site from Moat Lane. The application site falls within the 30mph zone. Having regard for the geometry of the road and the location of the access, the visibility splays which could be achieved would comply with those recommended for roads of this type (approximately 43m x 2.4m x 43m).
- 2.18 Table 1.1 of the Core Strategy suggests that a minimum of two independently accessible car parking spaces be provided for residents of the dwelling, together with an additional 0.2 spaces per dwelling for visitors, although parking should be a design-led process. The development would accommodate two open car parking spaces within the site, meeting the needs generated by the occupiers of the dwelling. No formal visitor parking is shown, although it would be relevant to note that there is onstreet parking along The Street (50m away from the site) to the north. Having regard for the above, the development is considered to provide sufficient car parking provision and would comply with policy DM13 of the Core Strategy.
- 2.19 The development does not include any defined provision of cycle parking spaces, although the submitted Design and Access Statement confirms that such provision will be made. In accordance with the recommendations of the Kent Design Guide (including Interim Guidance Note 3) and the NPPF, and to encourage and facilitate the use of this sustainable form of transport, it is considered that details for the provision of cycle parking (at one space per bedroom) should be secured by condition.

Ecology

- 2.20 Having regard for Natural England's Standing Advice, it is not considered that the site includes any features likely to provide habitat for protected or notable species.

The Conservation of Habitats and Species Regulations 2017, Regulation 63: Appropriate Assessment

- 2.21 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.22 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.23 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.24 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.

2.25 Given the limited scale of the development proposed by this application, a contribution towards the Council's Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.

Impact on Trees

2.26 There is a protected tree in close proximity to the application site to the northwest. Concerns have been raised regarding the potential harm that may be caused as a result of the proposed development. It is relevant to note that the proposed building would sit at a distance of approximately 13m from the tree. Given the significant distance, it is not considered that the root protection zone of the tree would be affected. Whilst new hardstanding is proposed which would be fairly close to the protected tree, the works required would be superficial and are unlikely to have a detrimental impact on the tree.

Archaeology

2.27 The application site lies within the historic village of Ash and is adjacent to a Roman road which runs from Canterbury to Richborough. Roman remains including cremations and evidence for occupation have been found a short distance to the west, close to a presumed junction on the Roman road network. Given the above, KCC Archaeology are of the view that there is a reasonable likelihood that the development will impact upon heritage assets of archaeological interest. Consequently it is considered that it would be reasonable to require an archaeological watching brief in this instance.

Drainage

2.28 Concerns have been raised by third parties regarding foul drainage provision. Southern Water have not raised any concerns in this respect and it is noted that the application is for one dwelling only. As such, it is not considered that the development would cause any material harm regarding increased risks of localised flooding. It is, however, considered that it would be proportionate to attach a condition in relation to a detailed scheme for the disposal of surface water.

Other Material Considerations

2.29 NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. Therefore, the assessment of sustainability can be separated into three dimensions: social, economic and environmental.

2.30 The proposed development would provide a short term and very modest economic benefit, by providing employment during the construction phase.

2.31 With regards to the social role, it is considered that the proposal would result in the creation of a high quality environment together with providing a family home in the village (where the Council cannot demonstrate a 5 year housing land supply).

2.32 Turning to the environmental role, by virtue of its siting and detailed design, it is not considered that the proposal would result in a localised urbanising effect to the rural

character of the area and equally no wider landscape impact is envisaged from the proposal. The proposal would not cause harm to the significance of heritage assets or their settings. The application site abuts the settlement confines of Ash and has fairly good access to the public transport and facilities and services of the Local Centre ‘Ash’ such that it would be likely to provide additional support for those facilities and services. Therefore, it would be in keeping with the sustainable travel objective of the NPPF.

- 2.33 In conclusion, taking the above facts in the round, it is considered that the proposed dwelling would lie in a highly sustainable location and would not result in any adverse impacts. As such, the proposal would support the sustainability principles of the NPPF.

3. Conclusion

- 3.1 It is concluded that no harm would arise in respect of the character and appearance of the area and the proposal would therefore comply with the aims and objectives of the NPPF. Regard has also been had to the fact that the district does not have a five year housing land supply and an aim of the Framework to boost significantly the supply of housing. It is concluded, therefore, that the material considerations of this case indicate that permission can exceptionally be granted contrary to the development plan.

g) Recommendation

- I PERMISSION BE GRANTED subject to the following conditions: (i) Timescale of commencement of development, (ii) A list of approved plans (iii) details of the access prior to commencement (v) Highway conditions to include: provision and permanent retention of parking spaces prior to first occupation; provision and retention of cycle parking facilities prior to first occupation; measures to prevent the discharge of surface water; Use of a bound surface for the first 5 metres of the access from the edge of the highway; Completion and maintenance of the access; Gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter; Provision and maintenance of 43 metres x 2.4 metres x 43 metres visibility splays at the access with no obstructions over 1 metre above carriageway level within the splays, prior to use of the site commencing (vi) Samples of materials (vii) Soft and hard landscaping details (viii) Details of surface water disposal (ix) Archaeological watching brief (x) removal of PD rights (Classes A, B and E) and boundary treatments (xi) restricting PD rights for the insertion of new windows to the south side elevation. (xii) bin storage details. (xiii) submission of window details (cills and headers) (xiv) retention of window reveals.
- II Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer
Benazir Kachchhi



DOV/18/01133

Author: Planning Services

Chalkwell Court, Eaves Road, Dover, CT17 9UA

Scale 1:1,250

Map Dated: 19/02/2019

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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

- a) DOV/18/01133 – Erection of an additional storey containing six apartments, incorporating a new pitched/Mansard roof to replace the existing flat roofs and associated alterations - Chalkwell Court, Eaves Road, Dover

Reason for report: Due to the number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP3 – Of the 14,000 houses identified by the plan 9,700 (around 70%) is identified for Dover.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM5 – Development of between 5 and 14 dwellings will need to make a contribution towards the provision of affordable housing.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.

Land Allocations Local Plan

- DM27 - Residential development of five or more dwellings will be required to provide or contribute towards the provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate this additional demand.

National Planning Policy Framework 2018 (NPPF)

- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are

most important for determining the application are out-of-date (including where an LPA cannot demonstrate a five year housing land supply), granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance (set out in footnote 6) provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan.
 - Chapter five of the NPPF confirms that the Government's objective is to significantly boost the supply of homes and requires authorities to seek to deliver a sufficient supply of homes, based on a local housing need assessment. The size, type and tenure of housing for different groups in the community should be assessed and reflected in policies. Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site unless:
 1. off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
 2. the agreed approach contributes to the objective of creating mixed and balanced communities

Local Planning Authorities should identify a five year supply of specific, deliverable sites and identify more broadly supply beyond this.

- Chapter eight promotes healthy and safe communities. This includes the promotion of social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. Developments should be safe and accessible, so that crime and disorder and the fear of crime and disorder do not undermine the quality of life or community cohesion. Policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; and ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.
- Chapter nine promotes sustainable transport, requiring that the planning system should actively manage patterns of growth in support of this objective; although opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- Chapter eleven requires that land is used effectively, having regard for: the need for different types of housing and the availability of land suitable for accommodating it; local market conditions and viability; the availability and capacity of infrastructure and services (including the ability to promote sustainable travel modes); the desirability of maintaining an areas prevailing character; and the importance of securing well-designed, attractive and healthy places. Where there is an anticipated shortfall of land to meet identified need, low densities should be avoided.
- Chapter twelve confirms that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning policies and decisions should ensure that developments:
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

- Chapter fourteen requires that development should be directed away from areas at the highest risk from flooding.

The Kent Design Guide (KDG)

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

d)

Relevant Planning History

DOV/16/00224 – Erection of a fourth floor extension with mansard roof and dormer windows to incorporate 6no. self-contained flats - Refused

e)

Consultee and Third Party Responses

KCC Public Rights of Way – No objection as there will not be a significant impact on public footpath EB4. The applicant's attention is drawn to general informatics to avoid damage to/obstruction is the footpath.

DDC Environmental Health – There are stacking issues here between the proposed third floor and the existing second floor accommodation, in particular flat 21's kitchen/living room is directly above a bedroom in Flat 15 and flat 19 has a bedroom directly above the kitchen in flat 9. As such, it is recommended that a condition be attached to any grant of permission requiring that a scheme of sound mitigation is submitted, approved and provided.

Dover Town Council – Object. The proposed development, by virtue of the scale, height and form of the roof extension, would form a dominant and visually intrusive feature within Eaves Road, out-of-character with the established scale and character of development in the road. Consequently, the development would cause significant and demonstrable harm to the character and appearance of the area, contrary to paragraphs 58, 60, 61 and 64 of the National Planning Policy Framework which would outweigh the benefits of the proposal.

In addition, the Committee were concerned by the lack of sufficient on street parking, congestion creating dangers for children and the major disruption the works will cause for residents kept on site during construction.

Public Representations – Seven objections have been received, raising the following points:

- Inadequate car parking
- It is difficult for residents to manoeuvre their cars out of their driveways and onto Eaves Road
- Disruption during construction
- Congestion
- Construction is inappropriate in this location due to the proximity of the school
- The conifers on the site are dangerous and cause loss of light
- Loss of light/overshadowing
- Loss of privacy
- Sense of enclosure
- Insufficient provision for the storage of refuse

- f) 1. **The Site and the Proposal**
- 1.1 The site lies within the settlement confines of Dover. Eaves Road is the southernmost road within Elms Vale and is located halfway up the side of the valley. The area is wholly residential in character, although St Martins School is located to the north west of the site. The valley rises fairly steeply to the north and south, with the valley running east to west. Dwellings in the area are predominantly two storey and semi-detached or terraced.
 - 1.2 The existing site contains a three storey flat roofed block of flats. The building sits on a plinth which provides a level ground floor level on the rising land (although the plinth is visually indistinguishable from the façade of the building). The building provides sixteen flats.
 - 1.3 The application seeks permission to erect a Mansard style roof to the top of the existing building, following the removal of an existing parapet. The Mansard, which would include seven dormers to the front roof slopes, ten to

the rear and five to the internal roof slopes, would provide space for an additional six flats to the building. The car parking area to the side and rear of the building would be augmented to increase the number of spaces provided.

2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area
- The impact on neighbouring properties
- The impact on the highway network

Assessment

Principle of Development

2.2 The site lies within the settlement confines of Dover and, as such, the principle of the development is acceptable, being in accordance with Dover Core Strategy Policy DM1.

Character and Appearance

2.3 A previous application (DOV/16/00224) for this site, which similarly sought permission for a fourth floor extension within a Mansard-style roof, was refused. The reason for refusal read as follows:

“The proposed development, by virtue of the scale, height and form of the roof extension, would form a dominant and visually intrusive feature within Eaves Road, out-of-character with the established scale and character of development in the road. Consequently, the development would cause significant and demonstrable harm to the character and appearance of the area, contrary to paragraphs 58, 60, 61 and 64 of the National Planning Policy Framework which would outweigh the benefits of the proposal”.

The current application will need to overcome this reason for refusal.

2.4 Eaves Road is a dead-end road which is accessed from Markland Road. Markland Road is typified by two storey semi-detached and terraced dwellings. Eaves Road rises up from Markland Road, with semi-detached dwellings to the western side of the road and single storey buildings (one scout hut and two detached bungalows) to its eastern side. Towards the top of the rise, the road turns at a right angle to the west and on the outside of this bend is the application site. To the left of the building are several tall conifer trees. The building on the site is a large block of flats rising to three storeys (the plinth on which the building sits is more raised to its eastern side to account for the slope). The building has a flat roof and has few architectural details. Continuing along the road to its southern side are further three storey buildings, which form terraces of dwellings. To the northern side, no buildings visibly front onto the road with the lower land beyond forming gardens and an access to a school. At this point the road is still rising reasonably steeply, although not as steeply as the section of road up to the application site. Beyond the terraced dwellings, the land begins to flatten out (although still

gradually rising). The buildings now return to two storeys in height and are semi-detached.

- 2.5 The existing building is, together with the short terraces of dwellings, the tallest in the road at present. As you travel up the hill towards the site, the building already has a dominant presence due to its height, being set above the level of the road, and its relationship with the smaller buildings (or lack of buildings, to its north (from where views are taken). The visual impact is balanced, to a degree, by the three storey dwellings to its west; however, the building remains an unusual feature within the area.
- 2.6 The detailed design of the roof is something of a departure for the area, with no other similar roof forms being present in the area. Notwithstanding this, it is acknowledged that the existing building is itself distinct from the character of buildings in the locality. As such, whilst the proposed detailed design is not locally distinctive, neither does it cause harm to the character of the area. The principle of erecting a Mansard roof on this building is therefore accepted, as the existing building is already visually divergent from the character of buildings in the road. Moreover, the introduction of a Mansard roof has the potential to both enhance the appearance of the building, by adding architectural detail to the building, whilst replacing the flat roof with a pitching roof that sits more comfortably with the pitched roofs typically found in the area.
- 2.7 The proposal seeks to increase the height of the building to accommodate an additional floor, which would take the form of a Mansard roof which would replace the existing parapet. In these respects, the application would be the same as the refused application. However, the 'face' of the roof (the steeply pitching part of the roof) would be around 1.6m higher than the existing parapet, whilst the ridge of the roof would be around 2.6m higher (albeit, this part of the roof would not be highly visible in views from the ground due to its elevated position). The refused scheme had proposed a larger roof, with its 'face' extending around 1.7m higher than the existing parapet and a ridge rising to around 3.7 higher than the existing parapet. Three of the dormer windows to the front elevation have also been reduced in size, from triple casements to double casements. Finally, the application now proposes vertical hung slates to the upper parts of the side gables of the building, whereas previously it had been proposed to continue the brickwork up to soffit level.
- 2.8 From the west, the resultant building would appear to be no taller than the neighbouring dwellings due to the change in levels. The replacement of the brick with hanging tiles would provide a continuity of material at roof level, such that the scale of the side elevation would be broken. Likewise, the reduction in overall height would physically reduce the mass of the building in views. The reduction in size of three of the dormer windows (which would be located above narrower windows on the existing floors) would reduce the bulk at roof level and provide an order to the fenestration. Whilst, on their own the changes are relatively limited, in combination it is considered that they significantly reduce the dominance of the extension, such that the reason for refusal has been overcome.
- 2.9 It is considered that the reduction in scale of the proposed roof extension, reduction on size of three dormer windows to the front roof slope and provision of hanging tiles to the upper parts of the side elevations of the building have, in combination, overcome the reason for refusal. The detailed design would add some interest to the building. For these reasons it is considered that the

development would cause no unacceptable harm to the character and appearance of the area.

Impact on Residential Amenity

- 2.10 There are no dwellings to the south of the site which could be affected by the development. However, regard must be had for whether the nearest dwellings to the north, No.8 Eaves Road, north east, No. 5 Eaves Road, or west, No.47 Eaves Road, would be unacceptably impacted by the development. It is not considered that any other properties would be directly affected by the development.
- 2.11 No.47 is located around 10.3m to the east of the block of flats. It is set around 1m to 1.5m higher than the application site and is set partially into the hillside, such that its garden is approximately at first floor level. It contains only one window to its side elevation (facing Chalkwell Court) which is not considered to be a primary window and is set adjacent to the boundary wall which limits views out. The development would increase the eaves height of the side elevation (currently finished with a parapet) by around 1.6m, above which would be a Mansard roof with a side gable below a shallow roof, rising 2.6m above the existing parapet. The additional floor created would contain four windows, the rear two of which would be high level, one would serve a hallway and be obscure glazed and one would be an angled oriel style window. Whilst the extended building would be notable reaching 10.2m to eaves and 11.1m to ridge (the refused scheme was 10.3m and 12.2m high respectively), due to the separation distance, relative heights of buildings, the limited fenestration to the side elevation of No.47 and the raised position of rear garden of No.47, it is not considered that any unacceptable loss of light or sense of enclosure would be caused. The new windows would be located above four existing windows at second floor level (and a further four at first floor level). In addition to having regard for the existing windows at second floor level, all of the proposed windows have been designed to minimise the potential for overlooking or the perception of overlooking, being high level, orientated away from the neighbours rear garden or being capable of being conditioned so as to be obscure glazed. As such, it is not considered that the development would cause an unacceptable increase in overlooking or the perception of overlooking.
- 2.12 No.8 is located on the opposite side of Eaves Road and is well separated (around 21m at its nearest point) from Chalkwell Court. Given the separation distance, and despite the change in levels, it is not considered that a significant loss of light or sense of enclosure would be caused. Furthermore, whilst there would be five dormers on the closest roof slope (and an additional three set further back), it is not considered that the development would significantly exacerbate existing overlooking from first and second floor windows.
- 2.13 No.5 is located around 16m to the north east of the application site. Between the site and No.5 are several large conifer trees, which are not protected. Given the separation distance, it is not considered that the increased height of the building would cause a significant loss of light or sense of enclosure. The side elevation of the proposed third floor would include three windows, which would be full size and clear (serving a bedroom, kitchen and living room, from front to back). The nearest of these windows, serving a bedroom, is around 21m from the south western corner (front) of No.5 and around 26m from the nearest part of the rear garden of No.5. Due to the location of the window and

its relationship with No.5, views would be angled and, in respect of views toward the rear garden of No.5, blocked by the dwelling itself. It is also noted that there are existing windows in the same position on lower floors. Taking these factors in the round, it is not considered that the development would cause an unacceptable degree of overlooking.

- 2.14 Concern has been raised by third parties that the development would lead to unacceptable noise and disturbance during the construction. Due to the scale of the development, it is not considered that the development would require unusually noisy activities (with no piling or foundations necessary) and would be unlikely to cause disruption over a prolonged period. Environmental Health have raised no concerns in this respect. It is not, therefore, considered that it would be reasonable or proportionate to place any restrictive conditions on the developer regarding the construction period. This would not inhibit Environmental Protection legislation from being enforced, if required.
- 2.15 The flats would be of a reasonable size, whilst individual rooms would be naturally lit and ventilated. Concern has been raised by Environmental Health Officers that the stacking arrangements for some of the flats could lead to unacceptable living conditions, for example where living rooms would be over bedrooms. However, it is considered that this concern could be overcome through the use of a suitably worded condition which requires the submission and approval of measures for noise insulation.
- 2.16 The proposed block plan shows an area for refuse storage. Following concerns raised regarding the size of this refuse area, amendments have been received which increases the size of the area available. At present, the site is provided with four large Euro-bins, two smaller euro-bins and four wheelie bins. As originally submitted, the plan indicated capacity for five large Euro-bins. The amended layout indicates capacity for seven large Euro-bins. The layout of the bins does allow for additional bins along the western boundary of the site (as there are currently), subject to leaving sufficient space for vehicles to manoeuvre around the corner of the building. Whilst the areas available for refuse storage are shown to be restricted on the submitted plans, it is not considered that the provision would cause planning harm, particularly as additional bins could be provided without inhibiting access and egress from the rear parking area. Consequently, it is not considered that it would be reasonable to refuse planning permission for this reason. A condition could be attached to any grant of permission requiring further details of the precise provision area.
- 2.17 Subject to conditions being attached to any grant of permission, it is considered that the living conditions of future occupiers, and those within the existing block of flats, would be acceptable.

Impact on Local Highway Network

- 2.18 The proposal would utilise the existing access to the site, which has reasonable visibility in each direction, being set away from the western boundary by a low brick wall beyond which is a wide footpath.
- 2.19 Policy DM13 of the Core Strategy requires developments to provide sufficient car parking, having regard for the scale of the development and its location. DM13 does, however, acknowledge that car parking provision should be design-led. The site is considered to be in a suburban location. In such locations, Table 1.1 of the Core Strategy advises that one and two bedroom

flats will be expected to provide a minimum of one car parking space per dwelling, together with 0.2 spaces per dwelling for visitors.

- 2.20 At present, the car parking on site is not formally laid out. However, cars tend to park along the western boundary of the site, one or two to the front of the building adjacent to the access and a couple to the rear of the building. There are also six garages to the rear of the building, although it is unclear how many of these are used for the parking of cars. On visiting the site, most cars tended to be parked on site in the evening, although the area more generally is very busy at school picking up time.
- 2.21 The proposed development would formalise the car parking at the site and extend the area of hard standing to the front of the site. Having regard for the number of cars currently using the site and the parking spaces which would be created, it is considered that around four additional spaces would be provided (the site plan suggests five spaces; however, I have witnessed cars parking to the rear, so the number of new spaces here are disputed). Table 1.1 of the Core Strategy advises that seven car parking spaces should be provided (six for occupants of the new flats and one visitor space). There are, at present, sixteen flats which would increase to twenty-two should permission be granted. Twenty car parking spaces would be available on site. During visits to Eaves Road, it has been noted that there is some capacity for on-street car parking, particularly to the southern side of the road (there are zig-zag markings opposite the site either side of the school entrance). An exception to this is at school drop-off and pick-up times, when there is little spare parking capacity close to the site. Whilst on-street car parking is less convenient than on-site parking, it does provide some overflow capacity. It is also worth noting that this ward has lower than average car ownership compared to the District as a whole, with 28.8% of households not owning a car (the average for the District is 23.5%). It is also noted that the site is relatively close to several bus stops which provide regular services. The proximity to high quality bus routes means that the site is complemented by a sustainable alternative to car ownership.
- 2.22 The development would therefore fail to provide the level of car parking advised within Table 1.1 of the Core Strategy (albeit the car parking levels set out in this table are not categorical requirements, as set out in the policy). It has been witnessed that the car park is, at times, at capacity and this has been commented upon by third parties. I have also witnessed that the road becomes busy at school drop-off/pick up times. That being said, at other times there has been capacity on the street for additional parking. The development will increase the pressure for on-street spaces and increase competition for spaces. However, whilst this a balanced assessment, it is not considered that the additional demand for car parking generated by the development would cause an unacceptable impact on highway safety or result in a severe residual cumulative impact, which are the relevant tests within the NPPF. Likewise, whilst the development would increase vehicle movements to and from the site, it is not considered that this would cause sufficient harm to the functioning of the highway to warrant refusal, having regard for the tests in the NPPF.
- 2.23 In addition to car parking, cycle parking at one space per flat should be provided. Given the deficiency in car parking provision, it is vital that this sustainable form of transport be encouraged. This conclusion is reached despite acknowledgement that the gradient of the hill may discourage cyclists as, once down the hill, easy cycling routes are abundant (such that cyclists

may simply choose to walk their bike up the hill). This should be secured by condition, should permission be granted.

- 2.24 Concern has been raised that the access to the site and Eaves Road are not suitable for HGV's. Whilst larger vehicles may be required to facilitate construction, the use of larger vehicles during construction could be appropriately controlled by a condition requiring the submission and approval of a construction management plan, should permission be granted (although it is noted that when Kent Fire and Rescue responded to the previous application for six additional flats, they were satisfied that a fire appliance could access the site).

Contributions

- 2.25 Core Strategy Policy DM5 requires that for schemes of more than 15 dwellings an on-site provision of affordable housing, amounting to 30% of the dwellings proposed, will be required. For developments of between 5 and 14 dwellings, a contribution towards the provision of affordable housing, equivalent to 5% of the GDV, should be sought. The policy also acknowledges that the exact amount of affordable housing, or financial contribution, to be delivered from any scheme will be determined by economic viability, having regard to individual site and market conditions. However, paragraph 63 of the NPPF advises that "provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas". This is expanded upon by Planning Practice Guidance which advises that "contributions should not be sought from development of 10-units or less and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area)". The floor space created to provide the six dwellings would be approximately 365sqm. As such, the NPPF and PPG advises that affordable housing contributions should not be sought. KCC have not requested any contribution be made in respect of local facilities and services and no other contributions have been requested. For these reasons, no contributions are sought.

The Conservation of Habitats and Species Regulations 2017, Regulation 63: Appropriate Assessment

- 2.26 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.27 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.28 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.

- 2.29 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.30 Given the limited scale of the development proposed by this application, a contribution towards the Council's Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.
- 2.31 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

Other Matters

- 2.32 It is relevant to note that, whilst the presumption in favour of sustainable development (set out at paragraph 11 of the NPPF), or 'tilted balance', is disengaged by paragraph 177 of the NPPF, the benefits of the development (bringing forward six additional dwellings in a sustainable location where the council cannot, at present, demonstrate a five-year housing land supply) continue to carry weight, albeit within a 'flat balance'.
- 2.33 Concern has also been raised that existing conifers on the site are unsafe. The proposed development would not affect these conifers and, as such, it is not considered that they are material to the determination of the planning application.

3. Conclusions

- 3.1 The site is located within the settlement confines of Dover, which is identified as the 'major focus for development in the District; suitable for the largest scale developments'. The principle of the development is therefore supported.
- 3.2 The sole reason for the refusal of the previous application was the impact that the development would have on the character of the area, which was considered to form a dominant and visually intrusive feature within the road. Since that refusal, the scheme has been amended to reduce the height and bulk of the roof and to provide vertical hung slates to the side gables to break up the elevation. It is considered that, in combination, these changes have successfully overcome the previous reason for refusal.
- 3.3 Some concern is raised regarding the level of car parking which is to be provided, being below the level advised by Table 1.1. of the Core Strategy. However, amendments have been received to maximise the level of car parking possible on the site and, whilst not ideal, it is not considered that the shortfall in spaces would cause sufficient harm to warrant refusal, having regard for the requirements of the NPPF.

- 3.4 The development has been designed so as to limit the impacts on neighbouring properties to acceptable levels, whilst providing a reasonable standard of accommodation to future occupiers, subject to conditions. Understandable concerns were raised by third parties regarding refuse storage; however, it is considered that the applicant has demonstrated that a suitable area for refuse storage can be provided.
- 3.5 It is considered that the development is acceptable in all other material respects and, therefore, it is recommended that permission be granted.

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Recommendation

- I PERMISSION BE GRANTED subject to conditions to include:-
 - (1) standard time limits, (2) approved plans, (3) samples of materials, (4) provision of access, car parking and turning areas prior to first occupation (including use of a bound surface material), (5) provision and retention of cycle parking, (6) provision of suitable facilities for refuse storage, (7) obscure glazing to relevant windows, (8) scheme of sound insulation, and (9) construction management plan.
- II Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Luke Blaskett