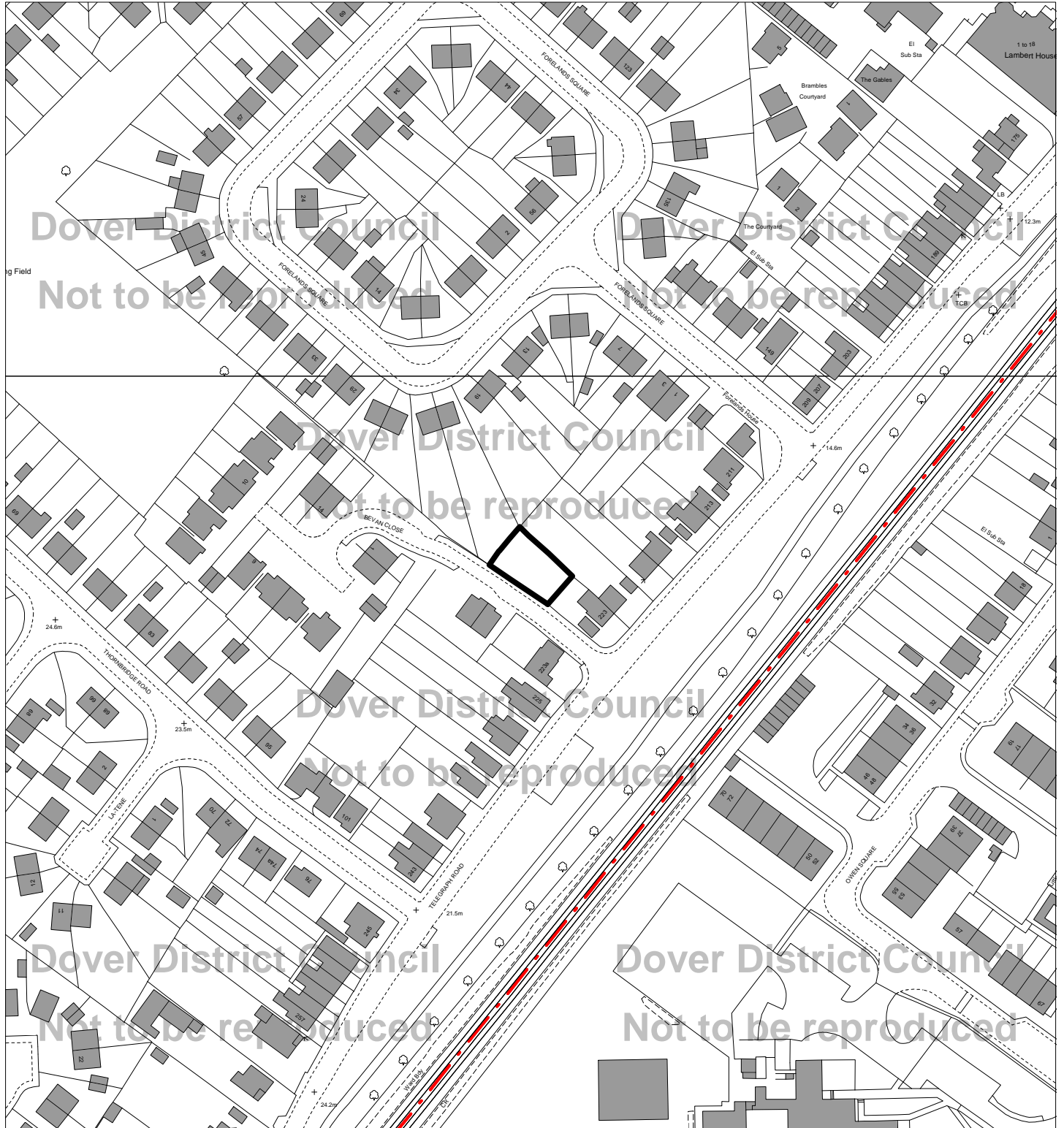


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**Application: DOV/15/00197**

**Land Fronting Bevan Close &  
Rear of 223 Telegraph Road  
Deal  
CT14 9DU**

**TR 3675:5094**



- a) **DOV/15/00197 – Erection of a pair of semi-detached dwellings, creation of vehicular accesses and associated parking - Land fronting Bevan Close and R/O of 223 Telegraph Road, Deal**

Reason for report: The number of third party representations.

- b) **Summary of Recommendation**

Planning permission be Granted

- c) **Planning Policy and Guidance**

#### Development Plan

The development plan for the purposes of s38 (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 newly adopted Land Allocations Local Plan. Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise.

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

A summary of relevant planning policy is set out below:

#### Core Strategy (CS) Policies

- Policy CP1 (Settlement Hierarchy) identifies a hierarchy of centers within Dover District. Dover is placed atop the settlement hierarchy (Secondary Regional Centre) and Deal (including Walmer) is identified as a District Centre which is to be 'the secondary focus for development in the District; suitable for urban scale development'. Planning decisions should seek to maintain the settlement hierarchy.
- In order to help operate the settlement hierarchy through the development management process Policy DM1 (Settlement Boundaries) proposes settlement boundaries for planning purposes and sets out how these will be used to help judge the acceptability of individual development proposals. Development outside settlement confines will not be permitted, unless specifically justified by other development plan policies.
- Policy DM13 (Parking Provision) Determining parking solutions should be a design-led process based on the characteristics of the site, the locality, the nature of the proposed development and its design objectives.
- Policy DM17 (Groundwater Source Protection) Prohibits certain uses and drainage systems in Zones 1 and 2 unless adequate safeguards against possible contamination are provided.

#### Dover District Local Plan (DDLPL) Saved policies – HS2

Land Allocations Local Plan (LALP) – None applicable

National Planning Policy Framework (NPPF) & National Planning Policy Guidance (NPPG)

At a national level, the NPPF sets out the Government's planning policies for England and how these are expected to be applied. In the introduction, the Government sets out that the NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning applications. With its adoption in March 2012, it replaced all previous national planning policy statements with immediate effect. Therefore, it should have significant weight in the consideration of any planning application.

The NPPF articulates an overriding presumption in favor of sustainable development which should be seen as a 'golden thread' running through both plan-making and decision taking. There are three dimensions to sustainable development: economic, social and environmental. For decision making this means approving development that accords with the Development Plan without delay; and where the development plan is absent or silent or relevant policies are out-of-date granting planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the NPPF indicate development should be restricted (para 14).

National Planning Policy Framework (NPPF)

Chapter 7 – Requiring good design (Paragraphs 56 -68)

- Seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. A core principle is to always seek to secure high quality design and a good standard of amenity.
- Decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.
- Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness.
- Local Planning Authorities should consider using design codes; however design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and the access of new development in relation to neighbouring buildings and the local area more generally.
- Chapter six of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific

deliverable sites sufficient to provide five years' worth of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

- Paragraph 14 of the NPPF requires that where the development plan is absent, silent or relevant policies are out-of-date development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or, specific policies in the NPPF indicate that development should be restricted.
- Paragraph 49 of the NPPF states that "housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of housing sites.
- The NPPF has 12 core principles which, amongst other things, seeks to: proactively drive and support sustainable economic development; secure high quality design and a good standard of amenity for all existing and future residents; recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it; and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

#### National Planning Practice Guidance (NPPG)

- On 6<sup>th</sup> March 2014 the Department for Communities and Local Government launched a planning practice guidance web-based resource. This contains a number of sections to enable users of the planning system to obtain information in a useable and accessible way. It is a material consideration when making decisions as it replaces the previous planning guidance documents which are now cancelled

#### Other Material Considerations

- Kent Design Guide – sets out examples of good design across a broad spectrum of development types and identifies a number of guiding principles.

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

DOV/07/01005 – Erection of 14 detached/semi-detached dwellings and garage, construction of vehicular access, associated works and landscaping – Granted

DOV/11/654 – Outline application for the erection of four dwellings, associated parking and construction of a vehicular access, site rear of 223A Telegraph Road, Deal – Refused

DOV/12//00126 – Outline application for the erection of a pair of semi-detached dwellings, a detached dwelling, construction of a vehicular access and associated car parking – Granted

DOV/12/00828 – Submission of reserved matters (landscaping) for the erection of a pair of semi-detached dwellings, a detached dwelling, construction of a vehicular access and associated car parking (Details pursuant to DOV/12/00126)

DOV/13/00820 – Erection of a detached dwelling and construction of vehicular access – Granted

DOV/14/01119 – Erection of a pair of semi-detached dwellings and creation of vehicular accesses – Refused

e) **Consultee and Third Party Responses**

Deal Town Council: The Town Council have confirmed that they have no objections to the proposal as per their comments on DOV/13/00820

Environmental Health – No observations

Kent Highways – This is a non-protocol application which can be dealt with by the Planning Officer. We did comment previously on a similar scheme on the site last year which may be of some assistance.

Southern Water - There are no public sewers for surface water drainage in this area, alternative arrangements should be made and it should not be discharged to the public sewer (attach informative to any decision)

Public Representations: Fourteen letters of objection have been received and their comments are summarised as follows:

- Parking is at a premium in the area, with not enough space being provided for the dwellings or potential visitors
- Road is narrow and parking on the pavement will prohibit access for residents and emergency vehicles
- Will make the approach and junction around Bevan Close and Telegraph Road even more hazardous
- Parking and access is at full capacity
- Emergency services would have access problems
- Health and safety risk to children and the elderly crossing the road and increase in risk of car/pedestrian accidents
- Road is blocked by vehicles constantly whilst development is undertaken
- Height of the proposed dwellings will inevitably reduce the light and outlook of the adjacent properties
- Velux windows to the rear are only 1.5m above floor level so people would still be able to see out of them into gardens
- Height will be overbearing with the ground floor being considerably higher than the neighbouring gardens in Telegraph Road
- Loss of privacy
- Councils refuse truck has difficulties with access
- Where will visitors park

- Decision should be deferred until houses opposite are completed and occupied
- Reduced height makes little difference as ground floor is still higher than properties in Telegraph Road
- Letters of support are from people who are not affected directly or in any way by the development

Twenty letters of support have been received and the comments are summarised as follows:

- The land needs to be developed to improve the area
- There is a need for housing
- Vacant plot is an eyesore
- Will provide much needed accommodation, jobs, tidy the rubbish
- Houses are in-keeping and has overcome overlooking problems on previous application
- Parking shouldn't be a problem as every house has parking
- Council could paint double yellow lines to prevent on-street parking
- Any development would be an improvement for the site and surrounding area
- Position and design is good
- Parking is not a problem in the area

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

- 1.1 The site relates to a plot of land fronting Bevan Close, located to the rear of no. 223 Telegraph Road. The site is within the urban confines of Deal and is located adjacent to a recently built residential development to the north-west and south-west.
- 1.2 The land form rises from Telegraph Road towards Foreland Square. The land has been used for the disposal of spoil during the construction of Bevan Close, as a result of this the land levels are at a higher level than the adjacent land in Telegraph Road by around 1m.
- 1.3 The site has been separated from the garden of No. 223 to the southeast by a close-boarded fence with hedging planted within the application site itself. A new access road has been created from Telegraph Road into Bevan Close.
- 1.4 The application site has a street frontage which measures 22m and has a depth of between 11m and 14m. The site is currently overgrown.
- 1.5 Planning permission is sought for the erection of a pair of semi-detached dwellings and creation of vehicular access. The proposed dwellings would have two bedrooms with parking to the side of each dwelling for two cars. Each of the properties would measure 5.6m by 8m, with an eaves height of 3.4m and an overall height to the ridge of 6.6m. It is proposed to construct the dwellings in red brick with plain roof tiles and white Upvc fenestration.
- 1.6 Planning application DOV/14/01119 was refused on 27st January 2015 for the erection of a pair of semi-detached dwellings. This application was refused for the following reason:

“The proposal, by reason of its scale, height, form and siting in close proximity to the neighbouring properties on Telegraph Road would result in an unacceptable level of actual and perceived overlooking to the rear gardens of No. 223 and 221 Telegraph Road by virtue of the increased land levels and fenestration arrangements, contrary to the aims of the National Planning Policy Framework and the Kent Design Guide.”

1.7 *Plans will be on display*

2. **Main Issues**

2.1 The main issues for consideration are; principle of development, impact of the development on the neighbouring properties, highways and design and impact of the development on the street scene

2.2 **Assessment**

**Principle**

2.3 The site is located within the urban confines and within an existing residential area. At present the land the subject of this application has no development on it. The last use of the site would appear to be as residential garden in connection with No. 223 Telegraph Road. The site therefore is not considered to be previously developed land.

2.4 The site is however located within the urban confines where development is generally considered to be acceptable and therefore the use of the land for the residential development would be in accordance with Policy DM1 of the Core Strategy and HS2 of the DDLP

3. **Impact on neighbours**

3.1 There would be a separation distance of 11m between the proposed building and the neighbouring property to the southeast at No, 223 Telegraph Road. The dwellings have been designed internally so that the two windows to the rear at ground floor would serve the living rooms and at first floor the bedrooms to the rear would be served by one rooflight which would be 1.5m above finished floor level. To either side elevation a door with a glazed panel would enter the living room. There are no windows proposed in the first floor side elevations.

3.2 The dwellings being considered here have been set down within the plot by approximately 0.5m following the refusal of the previous application and in an attempt to overcome the potential for unacceptable levels of actual and perceived overlooking. However, due to the topography of the land, which would remain approximately 0.5m higher than the adjoining rear gardens it is considered that the fencing and hedging would be unlikely to sufficiently screen views from the rear facing windows which would overlook the rear garden area of 221 Telegraph Road. Unfortunately overlooking into the private amenity areas of the neighbouring occupants would occur as a result of the elevated levels resulting in unacceptable loss of privacy to their

immediate amenity space. Furthermore, the rooflight within the rear roofslope at a height of 1.5m above finished floor level would not prevent overlooking taking place although this is considered to be less of a problem.

- 3.3 Due to the design, siting and scale of the buildings effects from massing and scale are unlikely to cause significant harm to adjoining occupants.
- 3.4 The front elevation of the properties would have a dormer window which would serve bedroom 1. There is some concern in relation to the potential for interlooming between the dwellings being proposed here and those currently under construction opposite. However, the separation distance of 11m and the oblique angle of view is considered to be sufficient to ensure that any interlooming effects would not be unduly harmful to the residents of either property.
- 3.5 There are some concerns in respect of overlooking towards the rear garden of 223a Telegraph Road and their private residential amenity area. There is only a 10m separation distance between the windows and rear garden of 223a and it is likely due to the proximity of the first floor windows to the rear garden that there would be an unacceptable level of overlooking.
- 3.6 Given the orientation of the proposed dwellings to the northwest, there would be no overshadowing, loss of sun/daylight concerns.

#### 4. Highways

- 4.1 The proposed dwellings would each be provided with two off-road parking spaces to the side. Policy DM13 requires the provision of one space per unit. It is therefore considered that the proposal complies with parking requirements and is acceptable in parking terms.
- 4.2 Concerns have been raised over highway safety and the ability of Bevan Close to facilitate a further two dwellings. Kent Highways were consulted on the previous application and raised no objections subject to the imposition of conditions on any decision. As a result of a change in protocol KCC Highways are no longer consulted on applications of this type. Whilst concerns of local residents are noted, as no objections were raised to the previous proposal and as the parking and access remains the same under this application it is not considered that a refusal could be substantiated on highway safety and road capacity grounds.

#### 5. Design and impact of the development on the street scene

- 5.1 The proposed dwellings have been largely designed to match those previously approved within Bevan Close albeit with differing fenestration and ridge heights as a result of trying to overcome the previous refusal. Despite these differences it is considered that the dwellings would still largely reflect the characteristics of the surrounding built form and the use of matching materials would further integrate the proposal.



- 5.2 The layout and form of the development proposed appears to be relatively commensurate with the urban grain of the adjacent development in Bevan Close. The dwellings in terms of their design, appearance and layout are largely reflective of the newly developed plots in Bevan Close.
- 5.3 Development rises within Bevan Close from southwest to northwest, this continues into Foreland Square which lies behind Telegraph Road and Bevan Close. The development within the area appears "stepped" as a result of the varying land levels, with the land rising slowly from southwest to northwest. As a result of the new development carried out in Bevan Close this is a common feature and represents the streetscape of the wider area.

### Conclusion

It is acknowledged that development of the site would bring benefits to the amenity of the street scene and wider area as it would effectively "tidy up" the appearance of the site. However, this benefit has to be balanced against the harm that would result to residential amenity of neighbouring occupants, which in this case is considered to be the prevailing concern.

The proposal, despite its reduced scale, form and massing is considered to result in unacceptable loss of privacy to the adjacent dwellings in particular those at 221, 223 and 223a Telegraph Road as a result of its fenestration arrangements and elevated position.

It may be that a single storey single dwelling of an appropriate design and scale could be achieved here but that care should be taken to address the harm caused from overlooking.

In respect of the Public Sector Equality Duty under the Equality Act, the recommendation is not considered to disproportionately affect any particular group.

g)

### Recommendation

- I PERMISSION BE REFUSED, for the following reason: (i) The proposal by virtue of its siting in close proximity to neighbouring properties on Telegraph Road would result in an unacceptable level of overlooking to the rear gardens of No. 223 and 221 Telegraph Road by virtue of the land levels and proposed fenestration arrangements, contrary to the aims of the National Planning Policy Framework and the Kent Design Guide.

### Case Officer

Kerri Bland