

- a) **DOV/15/00864 - Erection of 4 no detached dwellings with garages, creation of vehicular access and landscaping (existing garage and swimming pool to be demolished) - Land rear of 377 London Road, Deal**

Reason for Report - the number of third party contrary views.

- b) **Summary of Recommendation**

Planning Permission be granted

- c) **Planning Policy and Guidance**

Dover District Core Strategy (CS)

Policy CP1 advises on the hierarchy of settlements throughout the Dover District and states that Deal is a District Centre, secondary focus for development in the District, suitable for urban scale development.

Policy DM13 states that provision for parking should be a design-led approach based upon the characteristics of the area, the nature of the development and design objectives.

National Planning Policy Framework (NPPF)

- The NPPF has 12 core principles which amongst other things always seek to secure high quality design and a good standard of amenity for all existing and future occupants.
- Paragraph 7 of the Framework sets out that there are three dimensions to sustainable development: economic, social and environmental, and that these roles are mutually dependent and should be jointly sought to achieve sustainable development.
- Paragraph 14 of the Framework requires that where the development plan is silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole.

The Kent Design Guide

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

- d) **Relevant Planning History**

DOV/02/00188 – Outline application for two dwellings – Refused for the following reason:

The proposal would constitute unacceptable backland development out of keeping with the established pattern of development in the locality and which would set a precedent for the development of other backland sites in the immediate vicinity, to the cumulative detriment of the area. In particular, the provision of a long access road serving two dwellings and which would run immediately adjacent to the side boundary of an existing dwelling would result in excessive loss of amenity for the occupants of that dwelling through noise

disturbance created by vehicles. Therefore, the proposal is contrary to Policy ENV15 of the Kent Structure Plan and Policies DD1 and DD6 of the Dover District Local Plan.

e) Consultee and Third Party Responses

KCC Highway Services – Raise no objections to the scheme subject to conditions including visibility splays, surfacing, provision of parking and surface water.

Principal Ecologist – The submitted ecological scoping survey is satisfactory.

Deal Town Council – Object for the following (summarised) reasons; Objects because it contravenes the NPPF; over-development, unacceptable impact on neighbouring properties, concerns on infrastructure, will spoil pattern of existing development.

Third Party representations: 6 letters of objection have been received and the comments are summarised as follows;

- It is already a busy congested road,
- Parking is permitted on the opposite side of the road,
- It has become worse since 'Sholden Fields',
- The pavement outside is very narrow,
- HGV and buses drive close to this pavement to avoid parked cars,
- Over hanging vegetation onto the pavement from no.377 makes the path even more hazardous,
- There are three primary schools within 400m of the site, some school children will walk along this pavement,
- The road becomes a bottleneck at the mini roundabout,
- When the school crossing isn't operating the road becomes very hazardous,
- No visitor car parking spaces will be provided,
- Cars parked on the northern side of the road often park with their wheels on the pavement,
- The increased number of cars will increase the highway hazard,
- This would create a precedent for other similar development,
- Will ruin the outlook,
- Harmful to wildlife,
- Over-development,
- Increase in noise and disturbance,
- Over-bearing due to proximity with existing properties,
- Will we receive compensation if the development de-values our property?
- We would object to overlooking,

f) 1. The Site and the Proposal

- 1.1 The application site comprises the grounds of no. 377 and a part of the rear garden and a small part of the front garden of no. 375 London Road, Deal. No. 377 is a two storey detached house, with a detached double garage and a swimming pool with enclosure. The rear garden is some 95m in length and 25m in width. The rear garden extends up to the rear of properties on Bowser Close and Patterson Close situated to the south west. No. 375 is a detached bungalow with a plot 63m long and 12m wide.
- 1.2 The majority of the site is a rear garden to no. 377 which is laid to lawn. There are a number of ornamental and fruit trees and hedgerow on the site and around the boundaries. In the south west corner of the site there is a small copse of trees formed

by two Oak trees and a Juniper. The land falling within the demise of no. 375 consists mainly of over mature fruit trees that are in decline and a poor specimen of a Sycamore. The front garden is currently dominated by four large mature Lime trees that have been maintained as single stems.

- 1.3 Due to the nature and character of the site, this application has been accompanied by a tree survey, a phase 1 ecology study and a reptile survey.
- 1.4 Full planning permission is being sought for the erection of four detached dwellings on the garden land at the rear of no. 377 and 375. The creation of the access would involve the use of the existing access to no. 377, resulting in the demolition of the existing garage and swimming pool. A replacement detached garage is also being proposed. This would be located at the end of the newly created rear garden of no.377. One of the Lime trees within the front garden would have to be felled in order to create greater visibility splays at the site entrance.
- 1.5 Plot 1 would be situated behind no. 377 with approximately 20m separation distance. The design is essentially a two storey dwelling, with a steep pitched roof and accommodation within the roof space. It would have four bedrooms with two bathrooms within the roof space. A double garage would also be provided attached to the dwelling. The maximum footprint of the dwelling would be 17m x 12m with a ridge height of 7m. Plot 2 would be at the rear of no. 375. The chalet bungalow design would have a total of 3 bedrooms, one of which would be provided within the roof space. The dwelling would have a single attached garage. The maximum footprint would be 15m x 11m, with a ridge height of 6.5m. Plot 3 is situated at the rear of the site and at the head of the vehicle driveway. This would be a two storey dwelling accommodating 4 bedrooms and 2 bathrooms. A double attached garage would be sited at the front of the dwelling. The maximum footprint would be 15m x 9m with a ridge height of 9m. Plot 4 would be situated adjacent to plot 3, it is shown as a two storey dwelling, with 4 bedrooms and 2 bathrooms. It would be provided with a double detached garage. The maximum footprint of the dwelling would be 11m x 12m with a ridge height of 8m. Each dwelling would be provided with two off-street car parking spaces together with the provision of the garage.
- 1.6 Plans will be on display.

2. **Main Issues**

The main issues in the consideration of this application are;

- The principle,
- Impact on the character of the area
- Impact on residential amenities; and
- Highway safety

3. **Assessment**

Principle

- 3.1 The site is situated within the urban confines where the principle of residential development in this location accords with CS Policies CP1 and DM1 provided it is the most acceptable land use. This includes consideration of whether the buildings are acceptable in terms of their visual impact on the surrounding area, highways implications and any impact on surrounding occupants.

- 3.2 The previous refused application referred to in part (a) of this report will be noted. That application was submitted in outline and was determined in 2002, some 14 years ago. Since this time there has been a significant change in planning policy in particular through the introduction of the NPPF. The 2002 application was also in outline form whereas the current application enables a more comprehensive assessment to be made of the effects of the proposal.

The Character and Appearance of the Area

- 3.3 A258, London Road is a busy traffic corridor providing a link between Sandwich, Deal and Dover. Within Deal the road is predominantly fronted by residential development. In the vicinity of the application site, this comprises a variety of dwelling types and designs, with the northern side of the road fronted by two storey terraced dwellings, and the southern side of the road (which the application property fronts) by large detached dwellings within spacious plots. On street car-parking is restricted on the southern side of the road by yellow lines.
- 3.4 Page 45 of the Kent Design Guide requires that to ensure a well integrated design, the established character of an area must be understood and respected and the layout and appearance of buildings should be based on an appraisal of the character of the site and the adjoining land and buildings.
- 3.5 The proposal essentially involves the creation of a tandem development at the rear of nos. 375 and 377. There appears to be no other example of this form of development within the immediate vicinity of the site and to this extent the proposal would not conform with the general pattern of development in the vicinity. This said, this application site comprises a large rear garden area, which post development, would still retain large rear gardens for nos 375 & 377. The development would not be readily visible from London Road. At present there are some glimpses from between dwellings in London Road to the gardens beyond but the views are mostly screened by vegetation and outbuildings. Glimpses of the new dwellings especially plot no. 3, albeit over a significant distance, would be visible from London Road and possibly from Patterson Close at the rear of the site. Due to the large plots, separation distance, design and scale of the dwellings, the development would not be unacceptably intrusive. The proposed development would therefore safeguard the prevailing character, being relatively spacious residential neighbourhood, as such would not harm the appearance or character of the area.
- 3.6 The proposal would require alterations to be made to the front boundary of no. 377, in order to create a safe access a Lime tree would need to be removed and the height of the boundary wall reduced to 1m in height. It is acknowledged that this would change the character of the frontage by opening up views of no. 377 and the proposed access, however with the nearest proposed dwelling (Plot 1) being over 50m from London Road it is not considered that this would result in the development appearing intrusive and/or harmful to the prevailing character. It is also worth noting that there are other dwellings along this stretch of London Road which also have low boundary walls and clear open views of the dwellings beyond. Furthermore, it should also be noted that two Lime trees would remain and that the reduction in the height of the wall and the felling of a Lime tree could occur without the benefit of planning permission. There is currently a hardstanding in front of no.377 where cars do park and this is to be retained. All other car parking occurs at the rear of the site. The plans indicate a 4m wide access drive together with a 4m wide landscaped buffer strip adjacent to the boundary with no.375. The development would retain the sense

of space and openness on the southern side of London Road and would not harm the existing character and visual quality of the area.

Residential Amenities

- 3.7 The siting of the new access raises issues regarding the impact of its use by cars and the creation of noise and disturbance on the existing adjacent dwellings, no's 375 and 377. Unlike the 2002 application, which suggested an access road running alongside the building with no. 375, and was considered unacceptable (in part) for this reason, the current proposals show the access offset from this boundary by some 5m and from the side wall of no. 377 by about 4m. There is also a substantial landscaped buffer between the access track and the common boundary with no. 375. There is one very small window in the side elevation of no. 375, however it would appear that it is only a secondary window or does not serve a habitable room. Thus noise impact on this property should be minimal.
- 3.8 No. 377 has a single storey side extension with windows which face the access road. In addition to the 4m offset from the access, a landscaped strip and boundary treatment would be provided in between. Furthermore these windows serve a study/office and a games room. As such it is considered that the impact of traffic would not be significant.
- 3.9 It is acknowledged that plot 1 would be within 5m of the common boundary with no. 379, but would be over 23m from the rear elevation of no. 379. Plot 1 has been carefully designed so as to not cause over looking onto the rear garden of no. 379. The only windows above first floor level would be two roof lights serving the stairwell and bathroom and a high level window. A condition should be imposed for these to be obscure, glazed and to remove permitted development rights to prevent alterations to the roof form and to ensure these windows are obscure glazed to safeguard the living conditions of the neighbouring property occupiers.
- 3.10 The dwelling proposed for plot 1 would also have a side facing dormer window serving a bedroom which directly faces towards the rear of the existing dwelling at no. 377. The agent's applicant has provided a cross section of the site to show this relationship. There is a reasonable separation distance between the side elevation of plot 1 and the rear windows of no. 377 of approximately 24 metres. The garage of plot 1 is also sited in between these two dwellings and the pitched roof, which together with the presence of boundary vegetation are considered to obscure this view adequately so that the proposal would not result in overlooking or loss of privacy to the occupiers of no. 377.
- 3.11 Plot 2 has a similar relationship with the common boundary of no. 375 being 4m away but over 26m from the rear elevation of no.375. There are no windows in the rear roof slope, with the principle outlook being over the application site. The development therefore would not result in over looking or a loss of privacy onto no. 375.
- 3.12 Plots 3 and 4 have an outlook forward facing towards London Road and a rear outlook towards Bowser Close. Looking forward over the development site will not result in a loss of privacy because it would not be overlooking a private area. Furthermore, the dwellings have a rear garden in excess of 25m and are 30m from the rear elevations of dwellings to the south west. There is a tree screen on the common boundary which is to be retained. A condition requiring tree protection measures should be imposed.

- 3.13 The roof pitches on the chalet bungalows are fairly steep and the ridge heights of the dwellings are 9m. However the separation distance from adjacent dwellings is significant and this will ensure that the development will not have an impact on natural light, nor will be over dominant or overbearing.
- 3.14 A condition should be imposed to remove permitted development rights, to prevent extension into the roof space and further extensions and outbuildings, in order to safeguard residential amenities and the appearance of the area.

Highway Safety

- 3.15 The access into the site is 4m wide and approximately 85m in length. It is straight so visibility for oncoming cars is possible. There would be space for a car to reverse and several places to allow another to pass. The visibility splays at the access of the site will be improved by the reduced height of the boundary wall and removing the Lime tree to the east of the access. A condition requiring a replacement specimen tree could be imposed.
- 3.16 In accordance with policy DM13 of the CS, each dwelling has two off-street car parking spaces, although plot 2 is a three bedroom dwelling where the policy only requires 1.5 car parking spaces to be provided. Additional visitor car parking is required at a level of 0.2 spaces per unit which in this instance equals 0.8 which is less than one additional space. This additional space could be provided either as a layby space in front of the proposed spaces or within the front garden area of no. 377. The provision of car parking complies with the current car parking standards.
- 3.17 The applicant has included a vehicle tracking plan to show that vehicles can exit and enter the site. The land needed to provide the necessary visibility splays as shown on the submitted plan is included within the red line boundary and therefore visibility splays can be secured by condition.
- 3.18 Subject to the imposition of relevant conditions the development as proposed is not considered to be harmful in highway safety terms. It will be noted that KCC Highways raise no objections.

Other Matters

- 3.19 A tree survey has been submitted which shows that the site contains 37 trees comprising a mix of a variety of species of trees including Lime, Sycamore, Oak and fruit trees. The proposal includes the removal of 20 trees, 18 of these being considered to be poor quality. This includes 7 trees (T14-T20) which are noted to be showing early signs of disease. The report recommends that these trees are removed and burned on site to prevent the spread of pathogens. The report also outlines that the trees to the front of no. 377 are considered to be poor specimens and recommend their removal and replacement with a single specimen as part of a replanting programme. At the rear of the site the trees which provide a screen are to be retained and the agent has reaffirmed that hedges either side of the site are to be retained. It is considered that the imposition of a condition requiring details of hard and soft landscaping and the planting of a specimen would be adequate to ensure that the replanting is carried out.
- 3.20 Third parties have raised concerns relating to property value and Council tax banding, this is not a planning matter and should not be considered within the determination of this application.

- 3.21 Third parties have also indicated the presence of wildlife (no specific species have been mentioned). A reptile survey has been carried out and has found there to be no reptiles present on site.

Conclusion

- 3.22 It is concluded that no significant harm would arise in respect of the character and appearance of the area and the proposal would therefore comply with the principles of paragraph 17 of the Framework, that require, amongst other things, planning to take account of the different roles and character of different areas.
- 3.23 In the context of paragraph 7 of the Framework, the proposal would provide a social role in terms of housing provision, which can be given greater weight in view of the Council being unable to demonstrate a 5 year supply of housing. A modest economic benefit would arise in terms of the provision of short-term construction jobs. In terms of an environmental role, it is not concluded that any significant harm to the character or appearance of the area would arise. It is therefore considered that the proposal would constitute a sustainable form of development.
- 3.24 In the absence of a five year housing supply, the District policies relating to the supply of land for housing cannot be considered up to date. In this context the NPPF places a presumption on the grant of permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies from the Framework as a whole. The conclusions arising from the review of the application, as set out in this report, are that no harmful impacts would arise that would significantly and demonstrably outweigh the benefits associated with delivering additional housing, sufficient to justify the refusal of planning permission.

g) Recommendation

- I PERMISSION BE granted subject to the following conditions:- i) Standard time limit, ii) Approved plans, iii) remove permitted development rights for all extensions, roof alterations, windows and out buildings, v) details of hard and soft landscaping, vi) material samples, vii) car parking, bicycle and bin store to be provided and retained, viii) boundary treatment to be submitted ix) replacement tree for the Lime, x) tree protection measures to be implemented, xi) visibility splays to be provided, xii) car parking and manoeuvring areas to be provided and retained xiii) tree protection, ix) tree protection.
- II That 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

Cheryl Macer