

- a) **DOV/16/01024 – Erection of two detached dwellings and creation of access (existing dwelling to be demolished) - Dial House, 23 St Margaret's Road, St Margaret's Bay**

Reason for report – the number of third party contrary representations.

- b) **Summary of Recommendation**

Grant permission.

- c) **Planning Policy and Guidance**

Development Plan

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

In addition to the policies of the development plan there are a number of other policies 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:

Dover District Core Strategy (2010)

CP1 – Settlement hierarchy.

DM1 – Settlement boundaries.

DM13 – Parking provision.

Saved Dover District Local Plan (2002) policies

None.

Dover District Land Allocations Local Plan (2015)

None.

National Planning Policy Framework (NPPF)(2012)

“14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.”

“17. Core planning principles... planning should...

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes... and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas...
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations...”

“49. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

“56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

“60. 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.”

“61. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

“63. In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.”

“132. 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...”

## **Other considerations**

### **Conservation area**

Section 72(1), The local planning authority has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

**St Margaret’s Bay conservation area** – designated 1 November 1990.

## d) **Relevant Planning History**

**CH/6/66/0128** – Erection of a double garage and additional living accommodation – **APPROVED**.

**PE/15/00197** – Pre-application advice - proposed options; extension to existing dwelling, demolition of annexe and erection of one dwelling or demolition of existing dwelling and erection of three dwellings – **INFORMATION GIVEN**.

A number of applications have been submitted for works to trees in a conservation area.

**TC/15/00012** – Fell 2 leylandii – **RAISE NO OBJECTION**.

**TC/15/00102** – Leylandii adjacent to pine – reduce to low level/retain stump against soil erosion – **RAISE NO OBJECTION**.

**TC/16/00005** – 2 x yews – crown reduce by approximately 1.5 metres – **RAISE NO OBJECTION**.

**TC/16/00026** – Pine 01 – fell – **RAISE NO OBJECTION**.

**TC/16/00065** – T3 and T4 – fell 2 redwoods and replace – **RAISE NO OBJECTION**.

**TC/16/00075** – T2, T3, T4, T5 and T6 – yew trees – repollard/reduce to 3 metres – **RAISE NO OBJECTION**.

**TC/16/00076** – T2, T3, T4, T5 and T6 – yew trees – fell – **RAISE NO OBJECTION**.

e) **Consultee and Third Party Responses**

St Margaret's Parish Council

Has concerns. Seeks for the smaller of the buildings to be moved to the rear of the garden to lessen the impact on the street scene. Seeks for tree officer to be made aware of trees on site, with the possibility of a tree survey to be submitted.

DDC Heritage

**No objection.** "I am content with the information on the application that the significance of the building in respect to its contribution to the CA is sufficiently addressed and that the proposal would preserve the CA through the retention of space."

DDC Trees

No objection, subject to condition of details to be submitted. Seeks tree survey and constraints plan.

DDC Environmental Health

**No objection**, subject to contaminated land watching brief.

Public representations – **object x14, neutral x1**

Objections:

- Loss of St Margaret's bay heritage – Dial House was part of the reason why the CA was designated.
- The smaller of the two dwellings proposed is too large for its plot.

- There is concern about overlooking towards Maiala House – south east of the site, and towards Brown Cottage, adjacent to the east of the site.
- Concern about TPOs and their condition.
- Objection to what is termed as ‘cardboard box’ designs.
- Request that trees shown on submitted plans will be protected.
- Suggestion that smaller of dwellings should be moved ‘down’ plot so that its roofline does not block views and is not prominent from across the valley.
- Questions why Dial House could not be restored – says that annex was restored at significant cost.
- Suggests that smaller of dwellings is in front of the building line.
- Design of dwellings is not in keeping.
- Concern regarding pond on site and creatures within.
- Suggested impact on SSSI in valley and nearby National Trust land.
- Concern regarding storage of heavy building materials on site.
- Objection to subdivision of plot – against character of CA.

Neutral:

- Seeks permanent privacy screen between site and 21 St Margarets Road.
- Requests hours of working not before 8am and excluding Sundays.

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

1.1. The site

The site is located on the south eastern side of St Margaret’s Road in St Margaret’s Bay. It is located within the St Margaret’s Bay settlement boundary and within the conservation area. The road is residential in character, running south west to north east.

1.2. St Margaret’s Road is located on the north western slope of a dry valley. The south eastern slope of the valley rises to the cliff edge, with the sea beyond. On the north western side of the road (opposite the site) the land rises, with dwellings typically sited at a higher level than dwellings on the south eastern side of the road. Land on the site falls in a south eastern direction.

1.3. The site comprises Dial House, sited towards the north western road frontage. Dial House dates from around the 1930s and is an example of Arts and Craft architecture. Dial House has a two storey annexe with garage, built in the 1960s.

1.4. The garden to Dial House, which forms the remainder of the site, is set mostly on a series of terraces. The south eastern part of the garden falls steeply towards the secondary site frontage to St Margaret’s Road (where the road steps down the valley side towards the bay). Set beneath the main level of the garden to the east and south east is Brown Cottage (27 St Margaret’s Road) as well as a number of other dwellings further towards the south east including number 30, Maiala. Adjacent to the north eastern site boundary is 21 St Margaret’s Road. South west of the site is 25 St Margaret’s Road.

1.5. Site dimensions are:

- Primary road frontage – 69 metres.

- Secondary road frontage – 50.5 metres.
- Width – 87 metres at widest point.
- Depth – 69 metres.

1.6. Proposal

The proposed development involves the demolition of Dial House and the erection of two dwellings. One, larger, dwelling would be a replacement to Dial House sited further south and south west into the site, and the other, smaller dwelling, would be sited adjacent to the north/north western site boundary.

- 1.7. Both dwellings would incorporate a contemporary design and feature solar photovoltaic roof panels and integral double garages. A new access would be created so each dwelling would have its own access.
- 1.8. The larger dwelling would be constructed at an angle away from the road (north south axis). It would incorporate a curved eastern elevation with full length first floor balcony and a terrace at ground floor. Mono pitched roofs would be erected above the western side and southern section of the dwelling. Materials proposed include brick, zinc cladding, render, slate tiles, lead and roofing membrane. Windows would be grey aluminium.
- 1.9. Larger dwelling dimensions:
- Width – 31.5 metres (at widest point).
  - Depth – between 6.7 and 11.5 metres.
  - Eaves height – 5.2 metres.
  - Ridge height – 8.1 metres (front), 10 metres (end section, rear view, where land falls).
  - Height above carriageway – 6 metres.
  - Dwelling set back from primary road frontage – 10 metres.
  - Plot width – 45 metres (primary road frontage).
  - Plot depth – 69 metres.
- 1.10. The smaller dwelling is designed with a 'modernist' appearance, with a flat roof, emphasising vertical and horizontal elements. It would be split level and incorporate three storeys (two facing the road frontage) making use of the site topography. At the rear it would incorporate ground and first floor balconies. The first floor balcony would incorporate an imperforate privacy screen where it meets the north east elevation. Materials proposed include brick, render, cladding and roofing membrane. Windows would be grey aluminium.
- 1.11. Smaller dwelling dimensions:
- Width – 16.3 metres.
  - Depth – 13.5 metres.
  - Height – 6.7 metres (front elevation), 9.5 metres (rear elevation, where land falls).
  - Height above carriageway – 6 metres.
  - Dwelling set back from primary road frontage – 7 metres.
  - Plot width – 24 metres (road frontage), 17.5 metres (rear).
  - Plot depth – 32.5 metres.
- 1.12. Tree works in addition to those approved separately (see planning

history) are not indicated as part of this proposal.

## **2. Main issues**

- 2.1. The main issues to consider are:
- Principle of development.
  - Design, visual amenity and heritage impact
  - Residential amenity.
  - Trees.
  - Highways.
  - Other matters.

## **3. Assessment**

### **3.1. Principle of development**

The site is located within the St Margaret's Bay settlement boundary. The proposed development is therefore acceptable in principle, subject to its details. The proposal is therefore DM1 compliant.

### **3.2. Design, visual amenity and heritage impact**

The dwellings are noted as incorporating a contemporary appearance, which is not necessarily in keeping with other dwellings in the area. Many other dwellings, including the original Dial House, incorporate variations on a 'traditional' appearance i.e. a regular shaped, pitched roof dwelling with brick or render walls – this is reflective of the periods in which they were constructed. There is, however, no consistently prevailing architectural style.

- 3.3. The design of the proposed dwellings is considered to be of a high standard, in terms of how and where fenestration and openings are located, proportioned and arranged within the overall scale and form of the buildings, and in terms of the siting of the buildings within their respective plots. The materials proposed would create a clean finish and reinforce the contemporary appearance.

- 3.4. It is notable that the NPPF directs that architectural styles should not be imposed and that rather local distinctiveness should be reinforced. The heritage officer has commented, "I am content with the information on the application that the significance of the building in respect to its contribution to the CA is sufficiently addressed and that the proposal would preserve the CA through the retention of space." In effect the prevailing character of the conservation area is considered to be about how dwellings and space interrelate – something that the proposed design and layout is considered to maintain and reinforce.

- 3.5. The introduction of a contemporary form, scale and finish of buildings is considered to positively contribute to the eclectic architectural mix of dwellings in the area. This effectively feeds into the local distinctiveness of the area, which is architecturally diverse.

- 3.6. Seen from the street, the dwellings would not be any taller than the existing Dial House. The smaller of the two dwellings would be sited at a higher ground level, but this is compensated for by the scale of the dwelling. The replacement Dial House is taller than the smaller

dwelling, but is sited at a lower ground level. The topography of the landform here has acted as an informant to siting. The existing and proposed site plans illustrate that the proposed dwellings do largely respect the existing landform.

- 3.7. While it is acknowledged that in comparison to the plot provided for the replacement Dial House, the plot for the smaller dwelling is significantly smaller, it is not considered to be harmfully so in the context of the wider spatial character. Existing residential dwellings 21 and 19 St Margaret's Road (adjacent to the north east) have similar size plot to dwelling ratios as do the dwellings opposite on the north west side of St Margaret's Road (20, 18 and 16). Irrespective of where the boundaries lie, the spaces between the dwellings is proposed to be maintained and it is this primarily which affects how the character of the area is maintained or altered. In this regard the spatial context is considered to be referenced in the scheme and there is no harm caused.
- 3.8. The new vehicular access would be created in place of an existing pedestrian access. This will mean only 3.5 metres of front hedgerow will be removed. The remainder of the front boundary hedge will be retained. Accordingly, the existing hedgerow character of the street edge here will remain.
- 3.9. The national coastal path runs along the cliff top approximately 380 metres south east of the site. Any views gained from this location would be at a long distance and would be of two dwellings set in the context of other residential development. No harm is considered to arise from this aspect.
- 3.10. The NPPF directs that great weight should be given to outstanding or innovative designs, which this scheme is considered to incorporate. Overall the design proposals are considered to be of a high standard and acceptable within the local street scene and would not result in harm to the spatial character and context of the area, the street scene and the conservation area.
- 3.11. Residential amenity

Concerns have been raised in relation to the possibility of overlooking towards the neighbouring dwellings at 21 St Margaret's Road, 27 St Margaret's Road (Brown Cottage) and 30 St Margaret's Road (Maiala).

- 3.12. 21 St Margaret's Road is adjacent to the proposed smaller dwelling on its north eastern boundary. The residents have not objected but are concerned that privacy is maintained between the two sites. The smaller dwelling would not have any windows in the facing side elevation and a permanent privacy screen is proposed where the balcony meets the side elevation. A green roof is at the rear of the dwelling but this is not intended to be a terrace. A condition would be imposed to retain the privacy screen in perpetuity and ensure that the roof is not used as a terrace. The dwelling is considered to be sufficiently separated from the boundary with number 21 (6 metres) and the dwelling itself (13.5 metres) that no harmful overshadowing would occur.

3.13. Brown Cottage is located east and south east of the site. The residents have raised concerns about overlooking, however, the topography of the site in comparison to Brown Cottage is such that the land level at the existing pond is sited above the ridge of Brown Cottage before it falls steeply towards the cottage. It is considered that the siting of the two dwellings would mean that a combination of distance and topography would give rise only to views out to sea. Any views towards Brown Cottage would be over the top of it.

3.14. The residents at Maiala raised similar concerns. Maiala is located south east of and beneath the level of St Margaret's Road opposite the secondary site frontage. In a similar manner as with Brown Cottage, it is unlikely that there will be any views of Maiala due to a combination of distance and site topography. Any views towards Maiala from the proposed dwellings would be above the dwelling and into the valley.

3.15. Trees

During 2015 and 2016 the applicant submitted a number of applications for works to trees in a conservation area. These applications included lopping and felling works. The council's tree officer raised no objection to any of the applications, which would have included considerations about the effect on local amenity resulting from the works.

3.16. Existing and proposed site plans demonstrate how the proposed dwellings would be accommodated within the constraints of existing trees on site, however, details of any further proposed tree works can be conditioned as part of any approval and included in any landscaping scheme. It should of course be noted in any case, because the site is within a conservation area, any future works to trees would require a separate consent.

3.17. Highways and traffic impact

The proposed development for one extra dwelling in net terms, creating an access on to a unclassified road, means that it falls outside of the KCC Highways consultation protocol. However, sufficient space is provided on site for parking at both dwellings. The road is residential in nature and usage, and as such the creation of an additional access is unlikely to result in any harmful impact on highway safety

3.18. Other matters

Pre-application advice was issued which took a negative line in respect of the proposed demolition, seeking first a scheme which would renovate the existing Dial House. This was in part related to the proposed options considered at that time and how they would affect the conservation area. The heritage officer, as indicated, is content with the proposal as now being considered.

3.19. Conclusion



The proposed development is considered to be acceptable. The applicants have sought pre-application advice from the council and have fully appraised the site in evolving their design proposal. It is acknowledged that the designs proposed are not traditional in form and appearance as such, but they are of a high standard and it is considered that they would bring about a contemporary interpretation of how development can fit into the St Margaret's Bay conservation area – that is to say, how dwellings and space interrelate. The scale and form of development is considered acceptable.

- 3.20. Concerns have been raised about residential amenity, but the combination of distances between dwellings (proposed and existing), site topography and design features (privacy screen), means that no overlooking will arise from the development. It is also considered that no harmful overshadowing is likely to occur.
- 3.21. Residents are concerned about the trees on site, but the tree officer has raised no objections, subject to details of any further works, in the form of a tree survey and constraints plan, being required through condition. The applicant has previously submitted a number of applications for tree works, which the council raised no objection to. In addition, the existing site plan shows where existing trees are located and the proposed site plan illustrates how the proposed dwellings would be accommodated within those constraints. Should it be necessary, compensatory planting can be sought as part of any landscaping condition.
- 3.22. The NPPF directs that great weight should be given to outstanding or innovative design. The design is considered to be of a high quality and displaying of innovation in how the proposal works with the site. Accordingly, the recommendation is to grant permission.

g) **Recommendation**

- I. Planning permission be GRANTED, subject to conditions to include: (1) Time (2) Plans (3) Materials (4) Tree and hedge survey (5) Tree and hedge protection measures (6) Retained trees/shrubs (7) Retained hedges/hedgerows (8) Hard and soft landscape plan (9) Site sections (10) Earthwork details (11) Provision of access (12) Provision of parking/garaging (13) Access gradient (14) Bound surface 5 metres (15) Bins and cycle storage (16) Surface water drainage (17) Rainwater goods iron/aluminium, matt finish (18) PD restrictions – in respect of extensions, roof extensions and side windows (19) Smaller dwelling – retention in perpetuity of imperforate privacy screen, and prohibiting use of any part of the roof structure as a terrace (20) Construction management plan (referring, not only, to: hours of working, contractors parking, storage of materials and plant etc.).
- 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

Darren Bridgett