

- a) **DOV/17/00267 – Erection of 3 no. detached dwellings, new vehicular and pedestrian accesses and associated car parking and landscaping - Land adjoining Sunhollow, Gore Lane, Eastry**

Reason for report: Number of contrary views

- b) **Summary of Recommendation**

Grant permission

- 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.

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.  
DM15 – Protection of the countryside.

Saved Dover District Local Plan (2002) policies

None.

Dover District Land Allocations Local Plan (2015)

LA30 – West of Gore Lane.

National Planning Policy Framework (NPPF)(2012)

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;
- 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... recognising the intrinsic character... of the countryside...

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.

57. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

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.

#### Other Considerations

Dover District SHLAA site assessments – EAS05

“Although development would involve the removal of trees and vegetation, which would change the appearance of Gore Lane, and there is no footway at this point, small scale development of up to an additional three dwellings could be achieved without a harmful impact on the countryside. Nature conservation concerns could be addressed through the design process. The site is also within walking distance of public transport and the local primary school (although, for a short stretch, there are no footpaths).

As a rule the District Council only allocates sites that would yield five or more units. As there are already two dwellings on this site it is considered that the village confines should be amended to include this area as there would only be up to three new dwellings in this area.”

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

DOV/16/01226 – Erection of 3no. detached dwellings, creation of parking and new vehicular access – REFUSED.

DOV/15/00874 – Erection of three detached dwellings, creation of vehicular access and parking – REFUSED.

DOV/15/00363 – Erection of 4no. detached dwellings, carports and creation of new vehicular access – REFUSED.

DOV/03/01249 – Erection of two dwellings – REFUSED.

DOV/87/00076 – Outline for residential development – REFUSED.

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

DDC Landscape and Ecology – no comment made, however, under DOV/16/01226 the landscape and ecology officer considered this and responded no comment.

DDC Trees – no comment made, however, comment under DOV/15/00874 acknowledged all trees had been removed and there was nothing to comment on.

KCC Archaeology – no objection, subject to condition for written scheme of investigation and programme of archaeological works. Eastry is archaeologically important because of its location adjacent to the former Dover to Richborough Roman road and due to the settlement's significance in the early medieval period. The palace or 'villa regalis' relating to Egbert, King of Kent c.690 AD is thought, though not proven, to lie in the vicinity of St Mary's Church and Eastry Court Farm. Four separate cemeteries dating from the early medieval period are also recorded in and around the periphery of the present village.

The site in question lies on the western edge of the modern-day village and finds of Romano-British and medieval date have been found within fields on the opposite side of Gore Lane. Given the archaeological importance of Eastry it is possible that the proposed development works may affect archaeological remains. I therefore recommend that provision is made in any forthcoming planning consent for a programme of archaeological work.

Eastry Parish Council – objects.

Junction of Selson Lane and Gore Lane is dangerous.

Buildings are out of keeping with this part of the village – they are large and visually imposing.

No provision made for pedestrians – seeks a footpath along the front of the proposed dwellings.

Public comments – 6 x objections

Objections

- Concern that application is for one half of the site, with a view to developing behind.
- Access issues to Selson Lane – too quiet to accommodate this – dangerous.
- Dangerous junction between Selson Lane and Gore Lane.
- Application is similar to previous applications.
- Eastry village is at capacity.
- Plot does not enhance the beauty/character of the area.

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

- 1.1 The site is located on the western side of Gore Lane in Eastry. Gore Lane is a rural lane, on its western side are large expanses of open countryside with intermittent developments, including residential dwellings. On the eastern side of Gore Lane are a number of set back detached dwellings with drives accessing the highway. There is also a bus stop.
- 1.2 The site is mostly within the Eastry settlement boundary, as amended by policy LA30 of the Dover Land Allocations Local Plan 2015. A small part of the site extends beyond the settlement boundary on its western side. Immediately west of the site is open countryside.
- 1.3 The site was previously inhabited by dense vegetation including trees and bushes, forming a hedgerow along the Gore Lane frontage. This has all been removed except for one tree which is located

approximately at the centre of the Gore Lane frontage, and a fruit tree adjacent to a car port on Selson Lane.

- 1.4 There is a bank approximately 1.5 metres high along the Gore Lane frontage.
- 1.5 Immediately south of the site is a two storey residential property, Sunhollow. Immediately north of the site is a single storey residential property, Halstead.
- 1.6 A road junction for Selson Lane is located 11-12 metres south of the site on the western side of Gore Lane.
- 1.7 Gore Lane is approximately 4 metres wide at this location, with no pedestrian footway.
- 1.8 Site dimensions are:
  - Depth – 32.4 metres.
  - Width – 36.4 metres, 49 metres (including access on to Selson Lane).

1.9 Proposal

The proposal is to construct three detached dwellings, each facing Gore Lane, on a north east to south west axis. The three dwellings are comprised broadly of two designs, with the northern dwelling (plot 3) being different to the central (plot 2) and southern (plot 1) dwellings (there are cosmetic differences between the dwellings at plots 1 and 2 but the layout matches). The dwellings at plots 1 and 2 would have two and half storeys, with a hipped roof, and front and rear dormer extensions. The dwelling at plot 3 would have two storeys, a hipped roof, a road facing projection and would project deeper towards the rear (west) of the site. The dwellings at plots 1 and 2 would comprise 4 bedrooms and the dwelling at plot 3 would comprise 3 bedrooms.

- 1.10 In terms of site layout, the dwellings would each have vehicular access taken from a single point on Selson Lane, west of the rear boundary of Sunhollow. Each dwelling would have a double parking space at the rear (west) of its respective garden, which would be accessed from a block paved track running adjacent to the western site boundary. At the front of the dwellings (east), the existing bank would be kept, with individual pedestrian accesses taken directly from Gore Lane.
- 1.11 The rear boundaries to the plots would be bounded by 1.8 metre tall close board fences. The rear site boundary would be bounded by a 1.2 metre tall post and wire fence complemented by tree and hedge planting.
- 1.12 The existing tree adjacent to Gore Lane located approximately at the centre of the road frontage would be removed, as would a fruit tree which would make way for the site access.
- 1.13 Dimensions are as follows:

Plot 1 (southern plot)

- Plot width – 12.8 metres (taken at front elevation of proposed dwellings).
- Dwelling set back from highway – 5.1 metres.
- Dwelling depth – 8.2 metres.
- Dwelling width – 9.5 metres.
- Dwelling ridge height – 8.4 metres.
- Dwelling eaves height – 5.1 metres.

#### Plot 2 (centre plot)

- Plot width – 12.6 metres (taken at front elevation of proposed dwellings).
- Dwelling set back from highway – 5.6 metres.
- Dwelling depth – 8.2 metres.
- Dwelling width – 9.5 metres.
- Dwelling ridge height – 8.4 metres.
- Dwelling eaves height – 5.1 metres.

#### Plot 3 (northern plot)

- Plot width – 10.4 metres (taken at front elevation of proposed dwellings).
- Dwelling set back from highway – 6 metres.
- Dwelling depth – 10.5 metres.
- Dwelling width – 7.4 metres.
- Dwelling ridge height – 8 metres.
- Dwelling eaves height – 4.9 metres.

## **2 Main Issues**

- 2.1 The main issues to consider are:
- Principle
  - Countryside, visual amenity and design
  - Residential amenity
  - Highways

## **3 Assessment**

### 3.1 Principle

The site is located mostly within the settlement boundary as amended by the Land Allocations Local Plan (LALP)(2015), policy LA30 (West of Gore Lane). That policy did not set any criteria for the land but did redraw the Eastry settlement boundary with a recognition of the opportunity for “lower density family dwellings reflecting the scale and character of neighbouring properties”.

- 3.2 At the rear of the site, a small proportion of land within the red line is located outside of the Eastry settlement boundary.
- 3.3 Previous planning applications have sought to address the issue of access either by taking it from Selson Lane, with parking to the rear (west) of the dwellings; or by taking access directly off of Gore Lane. In practice, there has been an issue of principle (Selson Lane access proposal) or safety (Gore Lane access proposal).

- 3.4 The development of the site is acceptable in principle. The part of the site outside of the settlement boundary, while contrary to policy DM1, can be justified by that policy, which states:

“Development will not be permitted on land outside the... rural settlement confines shown on the proposals map unless... it functionally requires such a location, or it is ancillary to existing development or uses.”

- 3.5 Following previous refusals based in part on the lack of acceptable access arrangements, the access track would functionally require this location. It would also be ancillary to the development, albeit recognising that it does not yet exist. Overall the proposal is largely in compliance with policy and therefore is acceptable in principle.

#### Countryside, Visual Amenity and Design

- 3.6 The proposed dwellings are larger in scale than either Sunhollow or Halstead. In the context of the street scene, and the location adjacent to the open countryside, this has raised some concern about how they could be incorporated into the site and not appear over-dominant or alien.
- 3.7 The applicant has submitted amended drawings, which show the dwellings dug into the site from south to north. The effect in the street scene is that the dwellings would each step down from the southernmost dwelling (adjacent to Sunhollow) towards Halstead. It is considered that this aspect of the proposal in terms of scale and form would allow for the dwellings to be accommodated within the site and the street scene without compromising its character.
- 3.8 The space between the proposed dwellings within the development, and the existing dwellings, is considered to be acceptable. The space between the dwellings is: Sunhollow to plot 1 – 3.4 metres, plot 1 to plot 2 – 3.2 metres, plot 2 to plot 3 – 3.2 metres and plot 3 to Halstead – 7.3 metres.
- 3.9 The retention of the existing bank on the Gore Lane frontage, except where pedestrian access is made, would, it is considered, assist in softening the appearance of the dwellings as well as continuing the more leafy and rural appearance of the street edge. The site plan also indicates planting to the front (east) of the dwellings, which would also help to achieve this. Details of planting/landscaping would be sought through condition.
- 3.10 At the rear (west) of the site, the appearance of the access track is a key concern due to it being adjacent to the open countryside. The applicant has amended the site plan to include a 1.2 metre tall post and wire fence with tree and hedge planting. This is considered to be an acceptable solution in this rural edge of village location and would be secured by condition.
- 3.11 Policy LA30 identifies the footway as an issue at this location. The only footway in the immediate vicinity is a small section (approximately 5 metres long) located adjacent to the bus stop opposite the site to the north. The predominant character of Gore Lane is rural/semi-rural,

typified by the lack of formal pavements. It is considered in this particular location, that such an unconnected footway for three dwellings would only serve to harm the character of the street scene and add unnecessary engineering. The dwellings themselves are each proposed to have pedestrian access from Gore Lane, which would provide temporary refuge for passing pedestrians as necessary. This arrangement is a typical feature in and along rural lanes within a speed restricted area.

### 3.12 Residential Amenity

The siting and design of the dwellings is considered to minimise the opportunities for any harmful effects to residential amenity, either to Sunhollow (adjacent the southern dwelling – plot1) or to Halstead (adjacent to the northern dwelling – plot 2).

3.13 No side windows are proposed in the southern elevation of the dwelling at plot 1, meaning that there is no opportunity for overlooking towards Sunhollow. There is a first floor window in the northern elevation of the dwelling at plot 3, but this is to an en-suite shower and toilet and a condition is proposed for this window to be obscure glazed.

3.14 The dwelling at plot 3 is located as to have potential to overshadow Halstead to the north. However, the amendment to the street elevation i.e. stepping down the dwellings, is considered to adequately address this. The roof of the dwelling proposed at plot 3 is 2.8 metres taller ridge to ridge and 2.5 metres taller eaves to eaves. This is, however, mitigated by the roof of the proposed dwelling being hipped at the sides, the eaves being set lower than the ridge of Halstead and the distance between the two dwellings, which is 7.3 metres. It is considered that the combination of these factors would not lead to any undue harm arising from overshadowing.

3.15 In residential amenity terms, the proposal is considered acceptable.

### Highways

3.16 The proposed site access is taken from Selson Lane and is 4.2 metres wide at the junction. The access track serves two car parking spaces per dwelling (six in total), with the spaces for plot 3 turned perpendicular to the northern site boundary (with Halstead). The track is proposed to be surfaced in bound gravel, which would provide an acceptable appearance for the location.

3.17 The proposal, for three dwellings accessing a unclassified road, is outside of the KCC Highways consultation protocol. However informal discussion with the highway officer has confirmed that the visibility arrangements proposed by the applicant are acceptable.

3.18 The applicant has indicated visibility splays on the site plan – for a 30mph limit this equates to 43 metres x 2.4 metres x 43 metres. The splay towards the west crosses land in the applicant's ownership. The splay to the east is shorter given that the junction with Gore Lane is only 25 metres away. However, this is considered also to be acceptable due to the proximity of the junction, meaning that vehicles

are likely to be travelling slower than 30mph, combined with the ability of vehicles exiting the site being able to edge forward for further visibility towards the east if required.

3.19 Access proposals are considered acceptable.

3.20 Conclusion

The proposed development is considered to be acceptable. The stepping down of the dwellings from south to north helps to create a more sympathetic appearance and scale to the buildings within the street scene and helps to integrate the dwellings into the site.

3.21 No undue harm to residential amenity is expected to arise from the proposed development.

3.22 The site access at the rear (west) of the site, which would be taken from Selson Lane, is the most acceptable solution for achieving access. While this is located outside of the development boundary it involves only a small area of land, and would be ancillary to the proposal and is functionally required – therefore it is considered to comply with the requirements of policy DM1.

3.23 The siting of the access is considered to provide an acceptable arrangement in terms of highway safety. Vehicles using the junction of Gore Lane and Selson Lane would likely be travelling at low speeds, which would provide an acceptable level of safety for vehicles using the access.

g) **Recommendation**

- I. Planning permission be GRANTED, subject to conditions, including (1) Time limit (2) Plans (3) Samples (4) Hard and soft landscaping, including boundary treatments (5) Parking spaces (6) Turning space (7) Visibility splays (8) Bound surface first 5 metres (9) No surface water onto highway (10) Bin storage (11) Cycle storage (12) Obscure glazing – plot 3, first floor, northern elevation (13) Construction Management Plan (14) Archaeology.
- 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