

- a) **DOV/17/01078 - Erection of a single storey link extension, garage and studio extension with storage and gym above, two-storey rear extension and extension to existing terrace (existing conservatory to be demolished) - The Tides, 9 St Margaret's Road, St Margaret's Bay**

Reason for report: Contrary views (7)

- b) **Summary of Recommendation**

Planning permission should be Granted.

- c) **Planning Policy and Guidance**

Dover District Council Core Strategy

- Policy CP1 states the location and scale of development in the District must comply with the settlement Hierarchy. The Hierarchy should also be used by infrastructure providers to inform decisions about the provision of their services.
- Policy DM1 states that development will not be permitted outside the confines unless specifically justified by other plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.

National Planning Policy Framework (NPPF) 2012

- Paragraph 7 sets out 3 dimensions to sustainable development – the economic, social and environmental role which should not be undertaken in isolation.
- Paragraph 14 states 'that at its heart there is a presumption in favour of sustainable development. Where the development plan is absent, silent or out of date this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole'.
- Paragraph 17 sets out the core planning principles... Planning should....
- 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, promoting the viability of our main urban areas, protecting the Green Belts, around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it..."
- Paragraph 56 states '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'.
- Paragraph 58 sets out amongst other things that comprehensive policies that set planning decisions should aim to ensure the development;
  - Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of development.
  - Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
  - Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public spaces as parts of developments) and support local facilities and transport networks.
  - Respond well to local character and history, and reflect the identity of local surroundings and material, while not preventing or discouraging appropriate innovation.

- Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
  - Are visually attractive as a good result of good architecture and appropriate landscaping’.
- Paragraph 60, Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation. It is, however, proper to seek to promote or reinforce local distinctiveness".
  - Paragraph 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.
  - Paragraph 64, ‘permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions’.
  - "132. When considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance".
  - "133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
  - "134. Where a development proposal will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".

Planning (Listed Buildings and Conservation Areas) Act 1990 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the decision maker should pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Dover District Council Core Strategy (adopted 2010)

Policy DM1 states that development will not be permitted outside the confines unless specifically justified by other plan policies, or it functionally requires such a location, or is ancillary to existing development or uses.

Policy DM13 ‘Parking provision should be a designed led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives’.

Dover District Council Local Plan (adopted 2002)

None applicable.

Dover District Council Land Allocation (adopted 2015)

None applicable.

Other Guidance/Relevant Matters

Kent Design Guidance.

**(d) Relevant Planning History**

DOV/89/01050 – The Tides – proposed extensions to form sun lounge and conservatory.  
DOV/02/00251 – Land rear of The Tides – erection of detached dwelling and detached garage.

DOV/04/01162 – The Tides – erection of first floor side extension and lower ground floor extension.

DOV/15/00030 – Site next to The Tides – Erection of a detached bungalow and attached garage – Refused.

DOV/16/00891 – Erection of a single storey side and rear extension and roof extension to garage, insertion of rooflights, erection of decking and balcony with balustrade - Refused

PRE/17/00076 – advice was given concerning extensions and alterations to the dwelling with a linkway and erection of a replacement garage.

The main concern was the potential impact the gym/garage addition would have in respect of potential overlooking and the substantial size and scale and forward projection of 4.5 metres beyond the front wall of the house.

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

Dover District Council Principle Heritage Officer:

Verbally confirmed no objection to the application.

St Margarets Parish Council – objects

This is an overdevelopment of the site, incongruous in the conservation area and blocking seaward view.

Third Party Responses:

Local residents; 7 letters of objections have been received and are summarised below;

- The proposal will extend beyond the main body of house, beyond the natural building line at the rear with not one but four extended balconies.
- Overlooking;
- The two storey building described as a gym/study with bathroom takes up nearly half the garden, the slanted full height ground floor windows and two first floor velux window, this would amount to a self-contained annexe or separate dwelling which could be used such as a b&b;
- It would be unsightly for the conservation area;
- The design and access statement indicates that a new hedge will be planted on the north east boundary, helping to reduce overlooking. It is not possible to grow a hedge high enough to stop the overlooking from this proposed two storey building. The architects have stated that there is an overlooking problem;
- The demolition of the existing conservatory and the replacement with a flat roofed extension to the ground floor living area could be used as a balcony;
- Part of the terracing is immediately adjacent to the neighbouring dwelling and the extension could cause noise nuisance to both properties;

- The proposed development is overdevelopment, especially if it is sub-divided; the continuous masonry would stretch from boundary to boundary with very little clearance either side;
- The rear garden was recently made up by 4 feet leaving a normal height person standing on the lawn some 3 or 4 feet above the 2 metre high fence;
- Two previous applications have been received and refused;
- The end of the garden has purposely not been made up previously as the wall which divides the properties is not fit for purpose and the garden has always sloped so steeply it was maintained as an orchard;
- If the glass walkway was not completed for any reason, the position would be two separate buildings;
- The proposed development is intrusive;
- The development is not in keeping within the street scene;
- The proposed development would look cramped and would detract from what is a lovely road containing mostly large detached houses of character with appropriately sized gardens;
- The bulk, scale and mass is huge and very similar to that of the last two refused applications;
- The road forms part of the Saxon shoreline walk and is used by tourists and walkers each year; these views will not be visible if the road develops in this way, this visual amenity forms the basis of the conservation area;
- It is unneighbourly;
- No objection to the extensions to the house to the front/rear which would provide extra space with minimum impact on the environment and conservation area;

## **1. The Site and the Proposal**

- 1.1 The application site is within the village of St Margaret's in the conservation area. The Tides is a two storey dwelling with single storey extensions to the north eastern and south western elevations. The Tides is set back from the back edge of the footpath by off street parking provision. To the south west of The Tides is a single storey garage with a tiled, hipped roof.
- 1.2 The application site falls from the north west from St Margaret's Road to the south east. The site is currently falls from the road level, to a retaining wall and then to the driveway to access the garage. The garage is on the flat platform, with a 1.5 metre drop in the land level behind it. The land then continues to fall in a south easterly direction to the rear site boundary. The rear boundary consists of a retaining wall and there is a significant hedging dividing the application site and Illawarra to the rear.
- 1.3 Illawarra a two storey detached dwelling set below the garden level of The Tides and there is a significant difference in ground levels between the two sites, with a detached garage to the south west of the dwelling. Access is gained to this site by a drive on the south west boundary of the application site. To the north east is The Shrubbery a two storey detached dwelling with terracing to the rear elevation.

### Proposed Development

- 1.4 Planning permission is sought for the erection of a single storey link extension, garage and studio extension with storage and gym above, two storey rear extension and an extension to the existing terrace (existing garage and conservatory to be demolished).

- 1.5 The proposed extensions to the main dwellinghouse includes a single storey extension to the north eastern elevation measuring 4 metres x 6 metres with a flat roof over. The two storey flank elevation to the north eastern elevation would measure 1.5 metres in width x 6.2 metres in depth with a hipped roof over. The two storey side extension to the north west would measure 3 metres in width x 7 metres in depth continuing the existing roof form with a hipped roof over.
- 1.6 The two storey rear extension would measure 14 metres x 1.5 metres incorporating two gable ends and four recessed balconies. The entire rear elevation will be aluminium framed glazed and would have timber clad window surrounds at first floor.
- 1.7 A link extension is proposed to connect the garage to the dwellinghouse with an overall height of 2.2 metres, with timber cladding to the street front elevation and glazing to the entire rear elevation.
- 1.8 New hedgerow planting is proposed to the north east and south west boundaries.
- 1.9 The replacement garage would have an overall eaves height of 6.2 metres, with a width of 6.3 metres and a length of 13 metres. The rear elevation would have glazing to the first and ground floor levels.

## 2.0 **Main Issues**

2.1 The main issues for consideration are;

- Principle of the development.
- Design and impact within the street scene.
- Impact on conservation Area
- Impact on residential amenity
- Highway safety.

## 3.0 **Assessment**

### Principle of Development

3.1 The site is located within the St Margaret's settlement boundary. The development is acceptable in principle, subject to other material considerations as set out below.

### Design, Visual Amenity and Appearance of the Street Scene

3.2 Paragraph 60 of the National Planning Policy Framework sets out that '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. Within the immediate locality the area is characterised by properties that have been altered to be contemporary in design as well as those that have been retained the traditional features. The side extension to this dwelling is an interpretation of the existing form of the dwelling incorporating the features of the hipped and gable ends of the building.

3.3 A link is proposed connecting the dwelling to the proposed garage with a height of 2.2 metres. Given the boundary treatment to the front of the site including

dwarf walls, gates and screening and the use of sympathetic materials it is considered this element of the proposal would not be unnatural or intrusive or result in any adverse harm to the character and appearance of the street scene.

- 3.4 Previous planning applications have been refused in respect of the replacement garage being an incongruous feature within the street scene by virtue of the bulk, scale, form and design features. Pre-application has also been given in respect of the proposed garage with the main concerns arising from these discussions being the proposed size and siting of the garage with a forward projection as it would have competed with the dwelling. The applicant has overcome these concerns by siting the garage behind the front building line by 1.4 metres and designed it with a hipped roof. The original application sought planning permission for a garage measuring 14.8 metres in length and concerns were raised over the over bulk, scale and massing and amendments were sought. The replacement garage has been reduced by 3.5 metres and the resultant garage is of a suitable scale and form which would not appear as an overly dominant feature within the wider street scene or compete with the form and scale of the existing dwelling.
- 3.5 The rear extensions are of a contemporary design and would continue to allow long views through towards the sea. The rear elements of the extension would not be readily visible from the public realm, are considered innovative, contemporary and are sympathetic in scale and form are acceptable.
- 3.6 New hedgerow planting is proposed to the north east and south west boundaries. This would, in time help alleviate the resultant impact of the garage building from the west, in particular, which is where the impact of the extensions would be most noticeable.
- 3.7 The materials indicated to be used on the development is untreated natural timber cladding, with matching brick. The cladding would overtime would weather to blend in with the other materials proposed here. Due to the amount of glazing proposed within the rear of the proposed development and given the position within an effective hillside terrace, it is considered appropriate to condition the use of non-reflective glazing to ensure there would be no glare from the sun, which would reduce the visual impact when viewed from any public viewpoint. The finishes are a blend of contemporary and more traditional materials and are considered acceptable.
- 3.8 For the reasons set out above the overall development is not considered to be detrimental to the character and appearance of the street scene and complies with the aims and objectives of the National Planning Policy Framework.

#### Impact on Conservation Area

- 3.9 The general characteristics of this area of the St Margaret's conservation area are substantial properties within larger plots with gaps and spaces around the buildings through, to the south east, towards the sea. Views to and from this site are achieved from the street, and from the distance, from coastal walks.
- 3.10 It is necessary to consider the impact and harm of a proposed development on the significant of a heritage asset and great weight is given to assets conservation. Where a development is considered to result in less than substantial harm, this harm has to be weighed against public benefits.

- 3.11 The gaps and spaces between and around dwellings in this street scene contribute towards the character and appearance of the conservation of the conservation area in this instance. The gaps and spaces around buildings, allow through views and relief to an otherwise built frontage to be retained.
- 3.12 In this case the development would amount to an extension to a dwelling, of a relative and domestic scale and incorporate design features, characteristics of the existing dwelling. Although readily visible in the street, due to the retention and safeguarding of the existing gaps and spaces around the building, it is not considered, compared to the wider form and scale of built development in the street scene, in this location, that there would be substantial harm or less than substantial harm caused to the significance of the heritage asset. It should be noted that the Conservation Officer raises no objection.
- 3.13 In heritage terms therefore the proposals are considered acceptable and sufficiently National Planning Policy Framework compliant.

#### Impact on Residential Amenity

##### Loss of outlook/overshadowing

- 3.14 Concerns have been raised by local residents in respect of the potential in the loss of outlook by virtue of the extensions. However as set out in above it is considered the proposed development would maintain the gaps and spaces between the dwelling and the proposed garage and around the resultant buildings and would not result in a loss of outlook currently enjoyed. It is not considered that due to the siting of the extensions and distances away from neighbours that there would be harm to residential outlook.
- 3.15 In respect of the potential for overshadowing/overbearing effect the proposed extension to the south eastern elevation is to remain as a single storey extension and would not be closer to the dividing boundary. The two storey element of the development would be well contained within the site. The proposed development would not lead to any additional overshadowing and would not result in harm to the residential amenity in respect of it being overbearing.

##### Overlooking

- 3.16 The proposed development has been designed with an expanse of glazing within the rear elevation and the replacement garage at first floor. The design incorporates balconies, which have been designed to be recessed within the gable ends; this limits the potential outward views towards adjacent properties. It is accepted the entire rear elevation of the dwelling and first floor of the new garage will be glazed. The topography of the land form here means that views towards the sea would largely be across the south east; Downwards views as such would be limited. In addition, due to the intervening boundary treatment to the southern boundary of The Tides, views towards Illawarra would be interrupted by this feature. There may be some increasingly distant overlooking towards this property, but any views achieved would be largely of Illawarra's front parking area and part of their side garden. Their private amenity space to the rear of the dwelling would be screened from views by Illawarra itself. Conditions can be attached regarding the retention of the rear boundary.
- 3.17 Residential amenity concerns have been given careful consideration, particularly in the light of previous refusals. In this case, due to the topography of the

landscape distances of extensions from the most likely affected neighbour, the intervening boundary treatment and siting of the neighbouring properties, it is considered that the development would not result in undue loss of amenity and harm. Accordingly the development is considered to be National Planning Policy Framework Complaint.

#### Other Residential Amenity Matters

- 3.18 The existing conservatory is to be demolished and replaced with a flat roofed single storey extension. Of concern to a local resident is the potential for the roof area to be used as a balcony as it would result in direct overlooking of the primary amenity space. However, planning permission would be required for the use of the flat roof as a balcony as the General Permitted Development Order 2015 (England) (as amended) does not allow the construction or provision of a veranda, balcony or raised platform without planning permission.

#### 4. Highway Safety

- 4.1 The existing parking arrangements will remain unchanged and therefore the proposal complies with the aims and objectives of the National Planning Policy Framework and policy DM13 of the Core Strategy.

#### 5. Conclusion

- 5.1 The National Planning policy Framework states there should be a presumption in favour of sustainable development, unless there are any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this instance it is considered the resultant development is of a suitable and high quality design. The identifiable characteristics and features of the conservation area, notably the gaps and spaces around the buildings, would not be diminished. Additional benefits would be brought about by new hedgerow planting along the south west boundaries. It is considered that the proposal would respond well to the character and appearance of the conservation area and the existing street scene. In addition to this it is concluded there is no undue harm to the residential amenities currently enjoyed by the occupiers of the surrounding property. Therefore the development is considered acceptable, subject to appropriate conditions and accords with the aims and objectives of the National Planning Policy Framework and policies, CP1, DM1, DM13 of the Core Strategy.

#### (g) Recommendation

- I PERMISSION BE Granted for the following reasons subject to conditions set out to include, in summary: i) standard time: ii) carried out in accordance with the approved details, iii) details of materials to be submitted and approved, iv) the glazing within the rear elevations, link way and garage shall be non-reflective glass and retained as such at all times; v) the existing boundary treatment screening to the south east boundary shall be retained at all times, vi) landscaping scheme submitted for the north east, south west boundary.
- 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 - Karen Evans