

- a) DOV/17/01230 – Erection of a detached dwelling, formation of vehicle access and parking - Land rear of 117 Manor Road and adjoining 437 Folkestone Road, Dover

**Reason for report:** Number of contrary views (10).

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policies and Guidance**

**Core Strategy Policies**

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

DM16 - Generally seeks to resist development which would harm the character of the landscape, unless it is in accordance with a Development Plan designation and incorporates mitigation measures, or can be sited to avoid or reduce the harm and/or incorporates design measures to mitigate the impacts to an acceptable level.

**National Planning Policy Framework (NPPF)**

- Paragraph 17 states that securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings is one of the 12 core planning principles set out in the NPPF.
- Paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- Paragraph 56 states that 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 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.
- Paragraph 115 - Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important.

Section 85 of the Countryside and Rights of Way Act 2000 states that “in exercising or performing any functions in relation to, or so as to affect, land in an areas of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving or enhancing the natural beauty of the area of outstanding natural beauty

#### Kent's AONB Management Plan

This is the policy and action framework for local authorities which will influence and help determine decision-making, advice and resource allocation for all their relevant functions in, and affecting, the AONB.

"To conserve and enhance the natural and scenic beauty of the Kent Downs, the scale and design of new development, re-development and restoration is critical".

#### The Kent Design Guide (KDG)

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

### d) Relevant Planning History

DOV/16/00235 - Replace existing tiled roof with slate, replacement dormer window to front, excavations to form new lightwell to rear and enlargement of front lightwell (amended proposal). Approved.

DOV/16/01148 - Excavations to form new lightwell to rear and enlargement of front lightwell, replace existing tiled roof with slate, installation of replacement windows, removal of side front dormer windows, installation of replacement window on rear elevation and bi-fold doors to lower ground floor and construction of associated access steps. Approved.

### e) Consultee and Third Party Responses

#### Dover Town Council

- unsuitable access
- over-intensification of the site

#### County Highways

Regarding the proximity of the existing bus stop to the existing access which will serve the proposed single dwelling, it is not uncommon for a bus stop to be located near private access points. The point at which passengers wait to board or disembark the bus is several metres clear of the existing access and protected by raised kerbs. Having regard to the above, I do not have concerns over the proposed development in this regard.

Southern Water – no objections raised. The following informative is recommended to be attached with the permission.

*"A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".*

Natural England – no comments made.

#### Public Representations:

Ten (10) representations received objecting to the planning application and raising the following relevant planning matters:

- unsuitable access for commercial vehicles
- the lane proposed to be used as an access is in need of repair
- over-intensification of the site
- the lane is extremely narrow. Currently, a standard car is not able to open 1 door fully should there be a problem and need to stop to exit the vehicle.

- A refuse truck would be unable to drive to the new dwelling, there is no room for a turning circle and again a vehicle of this size would struggle and it would be extremely dangerous to reverse the refuse truck back up the long narrow Lane on to a busy and fast stretch of road.
- There is no pedestrian access consideration within the plan, and the track is currently used by Dover College to access their fields.
- The proposed dwelling is small but two storey and will overlook a number of adjacent properties, creating a loss of privacy.
- There is currently no clear plan for handling waste generated from the property.
- Would also open a precedent for future development of green lands.
- Inaccurate plans.
- There is a lot of wildlife on the proposed site including bats which in season are often seen flying amongst the trees on that plot.

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

- 1.1 The application site comprises part of the rear garden of no.117 Manor Road, a detached dwelling within the settlement confines of Dover. The application site partly adjoins Area of Outstanding Natural Beauty to the south. No.117 (application property) has a deep garden which to the northeast abuts the gardens of four houses namely no.115 Manor Road and nos 1, 2 and 3 Rugby Road.
- 1.2 There is an existing access towards the site from Folkestone Road to the northwest. This access is narrow and it is understood that it is currently used for vehicular access to the rear of no.437 Folkestone Road and pedestrian access to the playing field to the south.
- 1.3 This application seeks permission to erect a chalet bungalow to the rear of no.117 Manor Road including parking for two cars. It would utilise the existing access referred to above and would be extended to provide vehicular access to the application site. The plans show the number of trees to be removed primarily includes a couple of sycamore and a number of conifer trees. At the time of the officer's site visit, some of the trees had already been removed.
- 1.4 The proposed dwelling would comprise of two bedrooms, an open plan kitchen/living room together with an ensuite and a toilet. The footprint of the building is approximately 56sqm and the new dwelling would have an overall floor area of 96sqm.
- 1.5 The proposed dwelling would be finished partly in brick and party in Cedar weatherboarding. It would have a pitched roof with gable ends with dormers in the southwest facing roofslope and two velux windows in the northeast facing roofslope. The roof would be finished in artificial slates. The proposed dwelling would have white UPVC fenestration. Guttering and rain water pipes would be concealed within the building. Hardstanding is being provided within the site for two cars. The hard standings would be provided in block paving with sand infill (permeable) whilst the site would be enclosed by a 1.8m high close boarded wooden fence.

2. **Main Issues**

- 2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the countryside and the street scene
- The impact on residential amenity
- The impact on the living conditions of future occupiers
- The impact on the highway network
- Impact on Ecology

### **3. ASSESSMENT**

#### Principle of the Development

- 3.2 The site lies within the settlement confines of Dover. It is considered that principle of the development is acceptable, subject to site-specific considerations.

#### Impact on the Character and Appearance of the Area

- 3.3 Although not within the AONB, the site is located directly adjoining the AONB. The site is visible from the AONB. Policy DM16 refers to the character of the landscape being protected. The preamble identifies that this does not however preclude the possibility of the development but that the location of the development should be carefully selected. So due regard has to be given in this case as to whether the development would be likely to harm the AONB character of the landscape.
- 3.4 Section 85 of the Countryside and Rights of Way Act 2000 states that “in exercising or performing any functions in relation to, or so as to affect, land in an areas of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving or enhancing the natural beauty of the area of outstanding natural beauty”. Regard should also be had for the Kent Downs AONB Management Plan and the Kent Downs Handbook, which provide advice on how to protect and enhance the AONB. In respect of the AONB, paragraph 115 of the NPPF states that “great weight should be given to conserving landscape and scenic beauty in (sic) Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty”.
- 3.5 The removal of existing trees from the southwest boundary will inevitably expose the part of site to inward views. However, landscaping has been indicated on the proposed plans and although no detail as such has been given, a condition has been attached which would to some extent compensate the exposure of the site and mitigate the effect of the development to a suitable degree so that it would not result in undue harm to the character of the AONB landscape to the southwest nor adversely affect the appearance, setting and scenic quality and beauty of the wider AONB. And therefore would accord with the Development plan policy and the aims and objectives of the NPPF paragraph 115 and the Kent Downs Management Plan.
- 3.6 In terms of the character of the area, from Manor Road, the properties to the rear, in particular, nos 1 and 2 Rugby Road are not readily visible through the gaps between the dwellings fronting Manor Road. The proposed dwelling would be sited 44m away from the edge of Manor Road

to the rear of no.117. By virtue of significant separation distance from the main road and the limited gaps between the properties nos.117 and 115, limited views of the proposed dwelling would be achievable in the street. The dwelling is considered to be of a modest character with no striking aesthetics and would therefore sit quietly within its plot without making its presence highly prominent in the street. While the dwellings to the rear (nos 1 and 2 Rugby Road) have frontages to the cul-de-sac, the absence of such an access would not be noticeable from Manor Road.

- 3.7 The proposed dwelling would be sited at a distance of approximately 45m from the edge of Folkestone Road. The land rises from southeast to northwest. As such, the dwellings fronting Folkestone Road are at a higher level than the application site. Having regard to the topography of the land and the siting of the proposed dwelling to the rear of the properties fronting Folkestone Road, it would not be visible in the street.
- 3.8 Concerning the urban grain, the dwelling would be sited more or less in line with No 2 Rugby Road and, while it would not be accessed from that road, the depth of development proposed is in keeping with the established character of the area. Overall, the new dwelling would be read amongst and alongside existing built form and development.
- 3.9 In conclusion, for the reasons set out above, your officers are satisfied that the proposal would not detract from the character and appearance of the street scene or the wider area.

#### Impact on Residential Amenity

- 3.10 **Nos 1 and 2 Rugby Road to the northeast**  
The proposed dwelling would be sited at a distance of approximately 27m from nos 1 and 2 Rugby Road. Having regard for the separation distance between the proposed development and the rear elevations of nos 1 and 2 Rugby Road, no loss of light, sense of enclosure or overshadowing would result from the proposal. A high level rooflight has been proposed within the northeastern roofslope which would serve the bathroom on the first floor. Therefore, no harmful downward overlooking would result from the proposal.
- 3.11 **No.117 Manor Road (application property) to the southeast**  
The finished dwelling would be sited at a distance of approximately 27m from the rear elevation of no.117. Whilst the separation distance by itself is considered to be a reasonable distance, by virtue of the topography of the land, the proposed dwelling would sit approximately 4m above the ground level of no.117 and as such its presence would appear more pronounced when viewed from within the habitable rooms of no.117. Whilst prominent, it is not considered that it would appear as an intrusive and obtrusive element sufficient to justify withholding planning permission. It is noted that a window to the ground floor and Juliet balcony to the first floor is proposed to the elevation facing no.117. It is acknowledged that some views of the private garden of no.117 would be achievable from the proposed openings, however, by virtue of adequate separation distance, it is not considered to cause unacceptable loss of privacy to the neighbouring occupiers of no.117.
- 3.12 **No.437 Folkestone Road to the southwest**

The proposed dwelling would face the rearward part of the private garden of no.437 Folkestone Road. Two dormer windows are proposed within the southwestern roofslope facing no.437. The finished dwelling would lie at a distance of approximately 26m from the rear elevation of no.437. By virtue of the siting of the proposed dormers, oblique views of the private garden of no.437 would be achievable, however, by virtue of the separation distance, it is not considered to cause unacceptable harm from overlooking.

- 3.13 No.435 to the northwest  
The proposed dwelling would be sited at a distance of approximately 30m from no.435 and would be some 2m below the level of no.435. Having regard for the separation distance, siting and the land topography, it is not considered to cause harm to the residential amenity of the adjacent occupiers of no.435.
- 3.14 The existing access is apparently more readily used as a pedestrian access and less frequently used as a vehicular access, in particular, by no.437 Folkestone Road. There is a detached bungalow (no.435) with a limited area of private garden adjoining the access. There would undoubtedly be vehicle movements which would cause some noise. However, provided the drive is surfaced in a consolidated material such as tarmac, and not loose gravel, the noise arising from the limited number of vehicle movements would be unlikely to be so great as to result in any significant harm to living conditions of no.435.
- 3.15 There are no other properties in the vicinity that would be directly affected by the proposal.

#### Impact on Highways

- 3.16 The development would utilise the existing access onto the site from Folkestone Road. It is predominantly used as a pedestrian access. Whilst the proposal does not result in the creation of a new vehicular crossover, the nature of use of the access would inadvertently differ as it would be primarily be used for vehicular traffic. It should be noted that the application site falls within the 30mph zone. Having regard for the geometry of the road and the location of the access, the visibility splays which could be achieved would comply with those recommended for roads of this type (approximately 43m x 2.4m x 43m).
- 3.17 It is noted that there is a bus stop in close proximity to the existing access. KCC Highways have advised that it is not uncommon for a bus stop to be located near private access points. The point at which passengers wait to board or disembark the bus is several metres clear of the existing access and protected by raised kerbs. Having regard to the above, no concerns have been raised over the proposed development in this regard.
- 3.18 Table 1.1 of the Core Strategy suggests that a minimum of two independently accessible car parking spaces be provided for residents of the dwelling, together with an additional 0.2 spaces per dwelling for visitors, although parking should be a design-led process. The development would accommodate two off street car parking spaces. No formal visitor parking is shown, although it would be relevant to note that there are parking bays some distance from the application site along

Folkestone Road. Having regard for the above, the development would not cause severe harm to the local highway network.

- 3.19 The development includes the provision of cycle parking spaces, as recommended by the Kent Design Guide (including Interim Guidance Note 3) and the NPPF. A suitably worded condition could be attached with the planning permission requiring the provision of cycle storage prior to first occupation.

#### Impact on Ecology

- 3.20 Concerns were raised regarding the possibility of bats and badgers being present on site. DDC's ecological officer has advised that wildlife using the path and bats flying around the trees could be expected in the vicinity. However, given the proximity to the countryside, it is considered that any impact on protected species would be negligible. It is considered that impact on the AONB would be insignificant, due to the location of the proposed development. Regard has also been had to Natural England's Standing Advice for Protected Species. Given the existing vegetation on site which consists of unmanaged grass, sycamores and conifers, it is not considered that there is any likelihood of protected species being present on site. Therefore, no impact on the ecology would result from the proposal.

#### Conclusion

- 3.21 The proposed dwelling is considered acceptable. It is in the confines. It is of a simple design and appearance and would not appear as an intrusive feature and would not result in harm to the landscape and scenic quality of the adjacent AONB. It would not cause harm to the residential amenity of the neighbouring occupiers and is considered acceptable in all other material respects.

g)

#### Recommendation

- I PERMISSION BE GRANTED subject to the following conditions: (i) Timescale of commencement of development, ii) A list of approved plans (iii) Materials as confirmed by the applicant (iv) details of the access prior to commencement (v) Highway conditions to include: provision and permanent retention of parking spaces prior to first occupation; provision and retention of cycle parking facilities prior to first occupation; (vi) Samples of materials (vii) Soft and hard landscaping details (viii) Details of foul and surface water.
- 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 the Planning Committee.

#### Case Officer

Benazir Kachchhi