

- a) **DOV/18/00217 – Erection of a dwelling-house, with provision of associated amenity space, parking, cycle storage and refuse provision - Land at 47 The Marina, Deal**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be refused.

- c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

- CP1 identifies Deal as a District Centre suitable for urban scale development
- DM1 - Development will be permitted within the settlement boundaries
- DM11 - Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives.

National Planning Policy Framework (NPPF)

- The NPPF has 12 core principles which amongst other things seek to secure high quality design and a good standard of amenity for all existing and future residents.
- NPPF – is relevant as the proposal should seek to be of a high design quality and take the opportunity to improve the visual quality and character of the area. Paragraphs 17, 56-59 and 64 seek to promote good design and resist poor design.
- Paragraph 14 of the NPPF is applicable and requires that development in accordance with the Development Plan should be granted without delay; and where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or where specific policies in the NPPF indicate development should be restricted.
- Paragraph 49 of the NPPF states that 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.

- The most recent determination by an Inspector at Appeal opined that the Council could not demonstrate a 5 year supply of housing sites based upon the requirement for a 20% buffer. As such, the Council's housing supply policies should not be considered up to date. In this case, the application proposal falls within the town boundary and therefore the principle of granting planning permission for new housing of this scale and location is acceptable.
- The site lies within Flood Zone 3a – an area considered to be at high risk from tidal flooding. Paragraph 100 of the NPPF seeks to direct inappropriate development in areas at risk of flooding away from areas at higher risk. Paragraphs 101-103 seek consideration of other alternate sites with a lesser probability of flooding through a Sequential Test and an Exception test, where appropriate.

The Kent Design Guide (KDG)

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

d) **Relevant Planning History**

In 2010, under reference: 09/01174, planning permission was granted to convert the existing building to a dwelling and granny annexe.

e) **Consultee and Third Party Responses**

Town Council: No objections.

Environment Agency: No objections are raised subject to the imposition of conditions covering finished floor levels. The 'Exception' Test is met but this is subject to the Council being satisfied that the Sequential Test is met.

Southern Water: No objections, subject to satisfactory connections are applied for and made to the public sewerage system.

Public Representations: There have been 31 responses received from the two public consultation exercises. There are 18 opposing and 12 supporting the application, with one neutral response.

The objections are summarised as follows:

- The proposal would be an over development, out of proportion, cramped, incongruous and out of character with the area.
- The design is out of keeping with the styles/architecture along the seafront.

- The proposed development would affect the outlook from the flats in the adjacent block, it would lead to overlooking from the rear decked area and loss of privacy and would reduce sunlight to adjacent properties.
- The proposal would make worse the existing parking congestion in the area
- The proposal would add to the existing poor sewerage system in the area
- The construction of the development would lead to obstructions, dust and inconvenience.
- The proposed development would harm quality of the environment and the living conditions of nearby occupants.

The letters of support favour the design of the building and the use of materials and they do not consider that there would be demand for on street parking that would lead to congestion.

f)

1. **The Site and the Proposal**

- 1.1 The application site falls within the urban boundary of Deal, on the seafront.
- 1.2 The application site comprises a detached two storey 1930s styled building with a lower two storey side extension. The side extension is two storeys but has been designed to appear subservient to the main property by having a gentler sloping pitched roof that finishes below the eaves of the main building, and with first floor windows that are set lower than those on the front elevation of the main building.
- 1.3 The main building has a front gabled roof design, which enables further space to be provided within the roof area. A window is located in the front gable of this building.
- 1.4 The main entrance to the property is from the side extension.
- 1.5 Alongside the extension is a concrete, ramped access to the side/rear of the plot that accommodates parking and a garden area.
- 1.6 The application property has a rear garden that extends to Sandown Road to the rear.
- 1.7 To the south of the application site is a 4 storey block of flats (Marina Court) with garage blocks to the rear. This block is located on the corner with Britannia Road. The block is untypical of the street scene, it is a 1970s styled brick building with timber cladding, front balconies and a flat roof.
- 1.8 To the north of the application site the buildings are made up of large late Victorian/early Edwardian buildings and later infill development of

different eras. These buildings are mostly two storeys with rooms within the roof space (making the building having the appearance of a third storey) with windows looking towards the coastline. Typical design features comprise front gabled roofs, balconies, bay windows and the use of brick and painted render. The prevailing character and appearance comprises detached and semi detached houses.

- 1.9 Many of the buildings within the street scene have a central/core 2/3 storey element with subservient, 'lower key' side extensions. The application building is also two storeys with a subservient side extension.
- 1.10 The proposal seeks to demolish the side extension of the application property and to erect a 4 storey, 4 bedroomed detached dwelling in its place and across the existing driveway. There would be a 1.5m separation to the existing building but the new dwelling would be built up to and along the boundary with Marina Court. Due to the built form of Marina Court, the new dwelling would 1.1m and 2.1m from the side elevation of this block of flats.
- 1.11 The front of the proposed development would align with the general building line of properties along the street, but its depth would extend beyond the rear of Marina Court.
- 1.12 The new dwelling would have a rear garden and parking to the front for up to two spaces (one integral garage space is being proposed with space in front) with 4 cycle spaces.
- 1.13 The parking spaces lost from the host dwelling are being replaced with two spaces created at the rear of the retained garden, with access from Sandown Road.
- 1.14 The design of the proposed building is modern. Due to the site context, it has a strong vertical design emphasis, two levels of flat roofs on the front elevation, some building voids to try and alleviate impact upon the windows in Marina Court and front balconies. To the rear the roof is pitched and flat, with balconies/verandah looking towards the rear garden and the rear of a pair of semi detached houses that front Sandown Road (Nos. 114/116).
- 1.15 The materials will be mostly of timber cladding, with aluminium metal doors and window frames.

2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- the impact of the proposals on the character and appearance of the area
- the impact upon residential amenity
- the impact upon flooding/flooding risk

Principle of Development

- 2.2 The application site is situated within the urban boundary of Deal. It is in close proximity to public facilities and amenities to be able to meet the day to day needs of the future occupiers of the house. While sustainable in this regard, the site is also within Flood Risk Zone 3, the implications of which are considered further in the report.
- 2.3 The Council is not currently able to demonstrate that it has a 5 year supply of housing sites, when applying the 20% buffer in accordance with the requirements of the NPPF. As such, the 'tilted balance' is applied in favour of granting sustainable development unless the Council can demonstrate any adverse impacts are significant and outweigh the benefits of granting planning permission – in accordance with Paragraph 14 of the NPPF.

Character and Appearance

- 2.4 The proposed building has been designed to try and accommodate the constraints and context of the site, the street scene and the wider area. In summary, the building is detached (to separate from the existing building), it has a 4 storey height to indicate a gradation between the 4 storey block of flats (Marina Court) and the ridge line of the existing house. It has a two storey frame at the front of the building, which brings an alignment with the eaves of the existing building on the site. It accommodates a change in level in the layout/floor areas to follow the topography of the site and uses a similar front building line to align with the adjacent properties. It has a void designed into the first floor level towards the front of the building to allow a degree of light and outlook for some of the windows in the adjacent flats and the upper storeys of the building are set back from the front.
- 2.5 Officers are concerned however that the proposed building would appear cramped and poorly related in its context. Due to the narrowness of the plot, the building is 1.5m from the existing building but built up to the side boundary with Marina Court and close to the side elevation of these flats. Due to this constraint, the building has an overtly vertical emphasis and would 'rise' above the main building on the site, although it would sit below the roof height of Marina Court.
- 2.6 One of the design themes of the prevailing character and appearance of the street scene is that the buildings have a central or core element (2/3 storeys) with more subservient side extensions (at two or single storey level). This is apparent with the existing building on the application site. The proposal is clearly a departure from this design approach.
- 2.7 The design is modern; with flat roofs, 'clean' architectural lines and the use of mostly timber cladding. Whilst the architectural features and design approach of the building in itself are not criticised, it is considered that an incongruity arises from the limited separation distance between the properties, and in particular the close proximity with the existing dwelling, the consequence of which is a perception that the development is being 'squeezed' onto the site resulting then in a sense of an architectural 'clash' with the existing dwelling and the

prevailing visual context

- 2.8 It is considered that in the context of the site and the street scene the proposal is unacceptable.

Residential Amenity

- 2.9 The proposed dwelling is located to follow the general front building line along this section of the street. The front section of the building is 2 storeys in height and this rises towards the rear to 4 storeys. The front 2 storey section is also designed with building voids to address the concern over impact on the side windows (the windows are in the side elevation but they face forward) on Marina Court. These side windows serve bedrooms in Marina Court. They are secondary windows by reason that there are larger windows serving the same bedroom that face towards the rear of the site. These windows have probably been located in this way to benefit from sea views. Principal sea views from these flats are from front bedrooms and lounges which lead onto a balcony.
- 2.10 Notwithstanding the location and design of the proposed building, the upper floor levels of the building project forward of these side windows. Work has been undertaken in the submission to assess the impact upon daylight and sunlight reaching the windows of the flats. It has been calculated by the agent that there will be an approximate average of 20% loss of sunlight serving the bedrooms that would be affected by the development. This loss is not considered unacceptable.
- 2.11 The development would however affect outlook from these side (forward-facing) windows. There would be some impact from the four storey element of the proposal and impact from the two storey element of the proposed building that would be located in close proximity to the windows of the flats. By reason of the design of the flats and the proximity of the new building, there would be a tunnelling impact that would harm the outlook from these windows. Despite the void that has been designed within the two storey part of the building to bring some visual and light alleviation, there would remain built form too close to these windows and outlook from these would be severely narrowed.
- 2.12 As a result of the public consultation, concern has been expressed with regard to overlooking from the rear of the proposed house and its windows and balcony/verandah areas. It is considered that there is sufficient separation between these elements and the rear elevations of Nos. 114/116 Sandown Road not to give rise to undue loss of privacy. In addition, as there is already some degree of overlooking from the rear windows of Marina Court, the potential for overlooking from the proposed dwelling, it is considered, would not lead to a greater degree of loss of privacy for the existing occupiers of these properties.

Flooding

- 2.13 The site lies within Flood Zone 3. A Flood Risk Assessment was submitted with this application, including the application of a Sequential Test and an Exception Test. Subject to a planning condition covering

finished floor levels being above a minimum threshold, the Environment Agency has raised no objections.

- 2.14 The Sequential Test has considered the EA Guidance and set out why the proposal meets the requirements of the Guidance. This includes considering alternative windfall sites for one house plots in the Deal area.
- 2.15 Officers are satisfied that the submission meets the Sequential and Exception Tests and would help to achieve (if the scheme was considered acceptable) wider sustainability objectives.

3. **Conclusion**

- 3.1 There is a need for the Council to increase its supply of housing in the District. For a proposal of this scale (one house) and location (within the urban boundary) the ability to make a small contribution towards the housing requirements should be welcomed unless adverse harm to the public interest can be identified and demonstrated.
- 3.2 The Report sets out what the adverse impacts of the proposal would be, and it is because of the harm to the character and appearance of the street scene and the living conditions of the occupiers of Marina Court that the proposal is considered unacceptable.

g) **Recommendation**

I PERMISSION BE REFUSED for the following reasons:

1) The proposed development, by reason of the restrictive size of the plot, the scale of the building, its design and prominence and general relationship with and proximity to the adjoining buildings, would appear incongruous in its context and would harm the visual quality of the street scene and the prevailing character and appearance of the area, contrary to Paragraphs 17, 56, 59-61 and 64 of the National Planning Policy Framework.

2) The proposed development would, by reason of its scale, location and proximity to the forward-facing side windows in Marina Court, result in a tunnelling impact and significant loss of outlook from those windows which would harm the living conditions of the occupiers of the dwellings these windows serve, contrary to Paragraph 17 of the National Planning Policy Framework.

II Powers be delegated to the Head of Regeneration and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee.

Case Officer

Vic Hester