

- a) **DOV/18/00684 – Erection of detached dwelling and creation of vehicular access - Land adjacent to Pica Pau, Moorland Road, Shepherdswell**

Reason for report - Number of contrary representations (7)

- b) **Summary of Recommendation**

Planning permission be granted.

- 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, standards and legislation which are material to the determination of planning applications including the National Planning Policy Framework 2018 (NPPF), National Planning Practice Guidance (NPPG), the Planning (Listed Buildings and Conservation Area) Act 1990, together with other local guidance.

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

Policy DM1- Settlement boundaries

Policy DM13 – Parking provision.

National Planning Policy Framework (NPPF) (2018)

- Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- Paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, are sympathetic to local character and history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.

## The Kent Design Guide

The guide provides criteria and advice on providing well designed development, emphasising that context should form part of the decision making around design.

d) **Relevant Planning History**

- DOV/15/00213 - Erection of detached dwelling and creation of vehicular access and parking – REFUSED
- DOV/05/01049 – Erection of 3no. garages (single building): GRANTED
- DOV/87/00520 – Erection of a garage: GRANTED

e) **Consultee and Third Party Responses**

Representations can be found in full in the online planning file. A summary has been provided below:

KCC Archaeology: “In this instance, I would suggest that no archaeological measures are required.”

Shepherdswell with Coldred Parish Council: “The Parish Council resolved to recommend refusal on the grounds of over intensive development of the site leading to an overbearing impact on neighbouring properties.”

Public Representations:

Objections

There have been 7 letters of objection from the public consultation of the application, summarised as following:

- The bank is unstable, there is a risk of subsidence
- Overshadowing concerns
- Interlooking concerns
- The proposal would lead to an overdevelopment of the site
- Concerns over accuracy of drawings
- Change in character of Moorland Road
- Proposed dwelling breaks building line
- The parking space will not have a good sight line
- Increased traffic is a concern for the safety of pedestrians
- Further traffic will compound the increasingly crumbling entrance to the road from Church Hill
- The proposal is encroaching
- The plans do not show any soakaways

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

- 1.1 The application site is a triangular plot of land situated on an unmade residential street, Moorland Road, in Shepherdswell. In the northern corner of the site, there is an area of hardstanding, most likely from a previous development, potentially in connection with the approval for three garages under DOV/05/01049. Along both side boundaries of the site, there is a mixture of tall trees, dense hedges and planting that form the boundary treatment, as well as a post and wire fence. The frontage of the site is open.
- 1.2 The approximate dimensions of the site are as follows:
  - 30.3 metres (frontage)
  - 21.3 metres (western boundary)
  - 20.2 metres (eastern boundary)
- 1.3 Neighbouring the site on Moorland Road is Pica Pau to the west and opposite are Myolann and Dar Il-fenek. Properties on Church Hill also border the site, notably Two Saints Church (34 Church Hill), 32 Church Hill and 26 Church Hill (the boundary of which stretches around the rear gardens of intervening neighbours to meet the western boundary of the site. Properties in this location are a mix of single storey dwellings and two storey dwellings that vary in character, appearance, scale and form. The boundary of the site with 34 Church Hill is noticeable in that there is a drop in the land level from the site to number 34 of between four and five metres.
- 1.4 Permission was refused at this application site for the erection of a two storey detached dwelling under reference DOV/15/00213. The application was refused as the development, by virtue of its siting, scale and form in a small plot, set close to the public highway and in some cases at a significantly higher land level than neighbouring properties, would have caused unacceptable overshadowing, overlooking and interlooking in relation to its neighbouring properties, and would have given rise to a cramped form of development when read in the context of the existing street scene.

#### The Proposal

- 1.5 Permission is sought to erect a single storey dwellinghouse. The dwelling would have two bedrooms, a kitchen/living/dining room and a bathroom. There would be a small garden to the east of the dwelling. One off street parking space would be provided.
- 1.6 The main dwelling would have a shallow pitched hipped roof and would have a flat roof over the front porch. The roof would be finished in interlocking tiles and the external walls would be finished in brickwork and render. The fenestration of windows and doors has not been specified.
- 1.7 There would be a low level picket fence and planted hedge along the front boundary of the site with a new 1.8m close boarded fence to the west and east boundaries of the site.
- 1.8 The off street parking arrangement has been altered since the original submission of the application, where two separate parking spaces were shown.

The proposal now includes one larger parking space in the south-eastern corner of the site measuring 4.4m x 5.9m.

1.9 The approximate dimensions of the proposed dwellinghouse are as follows:

- Width along front (south-east) – 8.5 metres
- Depth along the side (north-east) - 9.85 metres
- Height to eaves – 2.2 metres
- Maximum height – 4 metres
- Gap between dwelling and eastern boundary: 4 metres
- Gap between dwelling and western boundary: 0.5 metres
- Set-back from frontage of site: 1.2 metres

## 2 Main Issues

2.1 The main issues to consider are:

- Principle
- Visual Amenity and Design
- Residential Amenity
- Access, Parking and Highways

## 3 Assessment

### Principle of Development

3.1 The site is located within the settlement confines of Shepherdswell and the erection of a new dwellinghouse is considered acceptable in principle, subject to its design details, amenity considerations, highway matters and any other material considerations. Paragraph 11 states that development that accords with the development plan should be approved without delay.

### Visual Amenity and Design

3.2 It is considered that there is no overriding style of development in the immediate vicinity of the application site. The proposed detached dwellinghouse would be single storey with a low eaves height and a hipped roof. The external walls would be finished in brickwork with rendered sections and the roof would be finished in plain tiles. The single storey dwelling would have a simple design and layout with traditional materials and finish.

3.3 The proposed dwelling would be set back from the highway by 1.2 metres with a low level picket fence along the frontage of the site and planted hedge behind it. It is noted that the dwelling would be set further forward (to the south) than other dwellings along Moorland Road, however given the existing and proposed landscaping and the low eaves height and hipped roof of the proposed dwelling, it is not considered that this would have a harmful impact or overbearing on the appearance of this residential road and its streetscene. Regardless, it is a character of Moorland Road that dwellings are not laid out parallel with the highway, so some are further away and some are closer, meaning that there is not a defined building line, as such, which might reasonably be expected to be

followed.

- 3.4 The topography of the site is such that the land falls towards to north. As such, the proposed dwellinghouse would be set down approximately 30cm from the highway initially, with a 70cm drop from the highway level to the finished floor level. The dwelling would be accessed by steps and a ramp. Due to the nature of the site, the proposed dwellinghouse, with its relatively low height, is considered to be a low key form of development that would not appear as intrusive or incongruous within the street scene.
- 3.5 The scale and form of the proposed dwelling are considered to be acceptable for this location and the size of the plot. There would be garden space along the frontage of the site and along the eastern boundary of the site. The dwelling would be set back 1.2 metres into the site, which together with the proposed retention of the existing trees and hedges on the side boundaries and the proposed hedge along the frontage of the site, helps to retain the character and appearance of the immediate area and neighbouring gardens. The proposed materials, design, scale and form are considered to be acceptable and would not result in an adverse visual impact.
- 3.6 The proposed dwelling would be partially visible from the garden areas of neighbouring properties. The proposal includes the erection of 1.8m tall close-boarded timber fencing along both side boundaries of the plot, along with a new hedge and low level picket fence along the frontage. The boundary treatment would help to screen the proposed dwelling to an extent and would reduce any visual impact caused to neighbouring occupiers.
- 3.7 The simple design solution is therefore considered acceptable in this location and it is considered that it would not cause an adverse impact on the visual quality of the character and appearance of the local area.

#### Impact on Residential Amenity

- 3.8 The application site shares a boundary with Two Saints Church (number 34 Church Hill) which is to the north-east of the application site, number 32 Church Hill (to the north-east), Pica Pau (to the west of the application site), 26 Church Hill (the boundary of which stretches around the rear gardens of intervening neighbours to meet the western boundary of the site).
- 3.9 **26 Church Hill:** The rear garden boundary of this neighbouring site adjoins the western boundary of the application site. The rear garden of number 26 is approximately 55m long. It wraps around the rear gardens of neighbouring properties on Church Hill. There would be one window on the north-west facing elevation of the proposed dwelling, however the proposed 1.8m timber fence would screen this window and therefore no overlooking into the rear garden of number 26 would occur as a result of the proposal. A negligible level of overshadowing to the rear portion of this garden would occur as a result of the proposal; however this is unlikely to cause an adverse impact on the residential amenity of neighbouring occupiers, as the overshadowing would only be caused to the rear-most portion of the garden, which appears to be used for the storage of garden waste. The rear elevation of the neighbouring dwelling is some 55

metres away from the application site. It is not considered that the proposed dwelling would cause any undue overbearing impact on this neighbouring property.

- 3.10 **32 Church Hill:** This neighbouring dwelling is located to the north-east of the application site. Only a small portion of the rear boundary of number 32 is shared with the application site. The eastern boundary of the application site has planting, trees and hedges along it which helps to screen the application site from views into and from neighbouring properties. There is also a drop of between 4 and 5 metres down to Church Hill and the rear garden area of number 32, which together with the existing screening, protects the neighbouring property from any adverse impacts of the proposed dwellinghouse. It is not considered that the proposal would lead to an adverse impact on the residential amenity enjoyed by these neighbouring occupiers by way of a demonstrable level of overshadowing, undue overbearing or overlooking into the private amenity spaces of this neighbouring property.
- 3.11 **Two Saints Church, 34 Church Hill:** Where the application site adjoins 34 Church Hill, the difference in land level is between 4 and 5 metres. There are existing trees, planting and hedges on the shared eastern boundary of the application site which are due to be retained and a 1.8m tall timber close boarded fence would be installed. The maximum height of the proposed dwelling would be 4 metres at the ridge of the hipped roof; however the eaves height would be 2.2 metres and there would be a gap between the proposed dwelling and the shared boundary of 4 metres. The boundary treatment (both existing and proposed) would screen the proposed dwelling, largely, from the neighbouring dwelling and it is not considered that the proposal would have an unduly overbearing impact on these neighbouring occupiers. The screening would also prevent the neighbouring property from being overlooked. The existing trees and hedgerow already cause some level of overshadowing to the rear garden and driveway of Two Saints Church. The 4 to 5 metre drop in land levels between the application site and this neighbouring property means that any overshadowing effect caused by the proposed development is unlikely to be materially worse than the existing situation.
- 3.12 **Pica Pau, Moorland Road:** This neighbouring property is sited to the west of the application site. Pica Pau is set further to the north than the proposed dwelling. Given the siting of this neighbour and the proposed screening to the side boundaries of the application site, it is considered that no undue overlooking would result from the proposal. A negligible level of overshadowing may be caused to the side (east) of this neighbouring property during the morning, however this would subside by midday and it is not considered that this would cause an adverse impact to the residential amenity enjoyed by the neighbouring occupiers.

#### Wider Amenity Impact

- 3.13 The dwellings on the southern side of Moorland Road, particularly Dar II-Fenek and Myolann, are sited directly to the south of the application site. The proposed dwelling would be set down from the road level, and the windows on the front elevation are set at an angle, with the bedroom window facing towards the south-

east, away from the dwellings opposite. It is considered that the privacy of these neighbouring dwellings would be preserved. As the dwellings opposite the site are sited directly to the south no overshadowing would be caused to them as a result of the proposed dwelling.

- 3.14 As some of the neighbouring properties are in close proximity to the proposed dwelling, it is considered reasonable to restrict permitted development rights for any further extensions, enlargements or alterations to the dwelling and to the roof, to further protect the residential amenity and privacy of neighbouring occupiers. Subject to such a condition, the proposal is considered to adequately protect the residential amenity enjoyed by neighbouring occupiers and is therefore acceptable in this regard.

#### Access, Parking and Highways

- 3.15 The proposal is for one dwelling accessed from an unclassified road, therefore it falls outside of the KCC Highways consultation protocol. The proposed dwelling would be accessed via Moorland Road, which is an existing residential road. In terms of the parking arrangement to serve the proposed dwellinghouse, originally two parking spaces were proposed, one either side of the dwelling. However it was felt that this parking arrangement was contrived and would negatively affect the appearance of the proposal within the streetscene. Accordingly, one off street parking space has been provided in the south-eastern corner of the site, which, together with available on street parking immediately outside the proposed dwelling, is considered to meet the design led aspect of policy DM13. To ensure highway safety, a condition requiring the provision and maintenance of visibility splays onto Moorland Road is proposed.

#### The Conservation of Habitats and Species Regulations 2017, Regulation 63: Appropriate Assessment

- 3.16 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 3.17 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 3.18 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 3.19 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was

agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.

- 3.20 Given the limited scale of the development proposed by this application, a contribution towards the Council's Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.
- 3.21 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

#### 4. Conclusion

- 4.1 The proposal is considered acceptable, overcoming the reason for refusal of application DOV/15/00213. The design solution is considered to be sympathetic and it would not significantly detract from the character and appearance of the streetscene. It is considered that no significant or adverse impact would be caused to neighbouring occupiers and that the residential amenity enjoyed by neighbouring occupiers would be adequately preserved. The proposal is considered acceptable in terms of parking, access and highway safety. Given the limited scale of the proposed development, it is considered that the development would be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy and is therefore considered acceptable in this regard. The proposal is considered acceptable in all other material aspects. Accordingly the development would comply with the aims and objectives of the NPPF, and is considered to represent sustainable development bringing with it the benefit of additional housing in an area with limited supply in accordance with the aim of the NPPF, to boost housing supply.

g)

#### Recommendation

##### I. PERMISSION BE GRANTED subject to the following (summarised) conditions:

- (1) Standard time condition
- (2) Approved plans
- (3) Samples of the materials for the external surfaces of the building to be submitted
- (4) Hard and soft landscaping scheme, including means of enclosure, to be submitted and approved
- (5) Restriction of PD rights for alterations, enlargements and extensions, no further access to be created
- (6) Refuse storage as indicated
- (7) Cycle storage as indicated
- (8) Retention of parking space
- (9) Ground levels, sections and details of earthworks to be submitted
- (10) Sustainable drainage scheme to be submitted
- (11) Bound surface for driveway
- (12) No surface water run-off onto highway
- (13) Visibility splays to be provided and maintained
- (14) Construction Management Plan to be submitted

- II. 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 planning committee

Case Officer

Elouise Mitchell