

a) **DOV/18/00544 – Erection of a dwelling - Land rear of 9 Hill Drive, Eastry, Sandwich**

Reason for report: Number of contrary views (6)

b) **Summary of Recommendation**

Planning permission be granted.

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.

A summary of relevant planning policy is set out below:

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.
- DM11 – Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies.
- DM13 – Provision for parking should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for non-residential development, and for residential cycle provision, should be informed by Kent County Council Guidance SPG4, or any successor. Provision for residential development should be informed by the guidance in the Table for Residential Parking.

National Planning Policy Framework 2018 (NPPF)

- Paragraph 2 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”.
- 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 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway

safety, or the residual cumulative impacts on the road network would be severe.

- 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. Paragraph 47 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing'.
- Chapter five of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years' worth of housing.
- Paragraph 177 states 'The presumption in favour of development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.'

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**

There is no relevant planning history for the site.

e) **Consultee and Third Party Responses**

Eastry Parish Council – object to the planning application for the following reasons:

This section of the road is narrow, and often blocked by parked cars. The proposed driveway is opposite Peak Drive junction, the sight lines of Peak Drive are often blocked by parked cars making it difficult to turn onto Woodnesborough Lane, an additional driveway opposite the junction will add to the problem.

County Archaeologist

Views not received.

County Highways

KCC Highways have not raised any objections however, following conditions have been recommended to be attached in the event of grant of planning permission.

- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Completion and maintenance of the access shown on the submitted plans including the necessary vehicle crossing in the highway verge, prior to the use of the site commencing.
- Gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.
- Provision and maintenance of 43 metres x 2 metres x 43 metres visibility splays at the access with no obstructions over 1 metre above carriageway level within the splays, prior to use of the site commencing.

Southern Water

No objection subject to informatives.

Public Representations:

Six (6) representations received objecting to the planning application and raising the following concerns:

- garden is too small
- difficulties with access and egress
- unacceptable increase in parking demand
- impact on local environment
- impact on local services
- the drainage in Woodnesborough Lane is already poor with flooding occurring
- impact on highway safety
- overdevelopment
- reduce visibility splays
- increased noise and disturbance

One (1) representation received supporting the planning application and making the following comments:

- plenty of room for such a project
- small individual developments like these should be encouraged

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

1.1 The application relates to the garden land of no. 9 Hill Drive which forms a prominent corner plot and lies at the T-junction formed by Woodnesborough Lane and Peak Drive. The site lies within a wholly residential area of Eastry. The application site is sandwiched between nos 1 and 2 Woodnesborough Lane (two storey) to the north

and no.9 Hill Drive (chalet bungalow) to the south. The topography is influential in the street. The site slope falls from south to north.

- 1.2 The properties fronting Woodnesborough Lane comprise bungalows, chalet bungalows and two storey detached houses with separation distances between the properties ranging from 5m to 8m. The properties have varying architectural styles and the materials palette in the immediate area includes brown/red brickwork, painted render, white UPVC fenestration and concrete tiled roofs.
- 1.3 The proposal seeks full planning permission for the erection of a two bed chalet bungalow. The dwelling would have a hipped roof with a velux roof light within the rear roofslope and gabled dormer within the front roofslope. The dwelling would be finished in red multi-stock brickwork, concrete tiled roof and white UPVC fenestration. Two offstreet car parking spaces have been proposed within the southern corner of the site. The western and southern boundaries of the application site would have a 1.8m high close boarded wooden fence.
- 1.4 Originally, the proposed dwelling was sited closer to the edge of the road with little landscaping within its frontage. Concerns were raised regarding the visual impact of the proposed dwelling on the street scene and the scheme was later amended which included setting back the dwelling by a total of 4.2m from the edge of Woodnesborough Lane.

2. **Main Issues**

- 2.1 The main issues are:
 1. The principle of the development
 2. The impact on the character and appearance of the area
 3. The impact on residential amenity
 4. The impact on the highway network
 5. The impact on ecology

ASSESSMENT

Principle of the Development

- 2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 2.3 The site lies within the settlement confines of Eastry. It is considered that the principle of the development is acceptable, subject to site-specific considerations.

Impact on the Character and Appearance of the Area

- 2.4 The proposed dwelling would sit on a prominent corner plot and at a T-junction which forms a prominent gap between no.9 Hill Drive and nos 1 and 2 Woodnesborough Lane. Therefore, it would be highly visible from public viewpoints in the street. It is noted that there is dense mature vegetation including hedges and other trees along the boundaries of the existing properties fronting Woodnesborough Lane generally which gives it a strong rural character. However, the application site lacks such a character and instead has a solid 1.5-1.8m close boarded wooden fence along the edge of Woodnesborough Lane.

- 2.5 Whilst highly visible from the street vantage points, the proposed dwelling would share similar architectural features and would utilise materials to match the existing properties. The overall scale and height of the proposal would resonate with the properties in the area. It is acknowledged that the existing gap between the properties retains a sense of spaciousness in the street and whilst the development would reduce that gap, it is not considered that, on balance, it would cause sufficient harm to the character and appearance of the street scene to justify withholding permission. Furthermore, a suitably worded condition could be attached to the permission with a view to secure a high quality landscaping scheme to mitigate any visual impacts from the proposal. Finally, it is recommended that a suitably worded condition be attached for the removal of PD rights for Classes A, B and E with a view to minimise any visual impact on the streetscene.
- 2.6 In conclusion, it is considered that the development would relate well to the neighbouring buildings and the local area more generally and would successfully integrate into the existing built environment. As such, the proposed development would be accordance with paragraphs 7, 124 and 127 of the NPPF.

Impact on Neighbours

- 2.7 The finished dwelling would lie at a distance of approximately 7.6m from the side elevation of nos 1 and 2 Woodnesborough Lane (to the north) and 10.8m from no.9 Hill Drive (to the south). Having regard for the separation distance and in particular, the limited scale and height of the proposed dwelling, it is not considered to cause sense of enclosure, loss of light or overshadowing. Furthermore, no windows have been proposed to the side elevations facing the neighbouring properties on either side. Therefore, no loss of privacy to the neighbouring occupiers would result from the proposal. However, it is recommended that a suitably worded condition be attached to the planning permission requiring removal of PD rights to restrict any new window openings to the side elevations with a view to prevent any loss of privacy to the neighbouring occupiers.

Living Conditions of Future Occupiers

- 2.8 The proposed dwelling, together with their individual rooms would be of a good size, whilst all habitable rooms would be naturally lit. It would be provided with a private garden and areas which could be used for refuge storage and general amenity space. As such, the living conditions of future occupiers would be acceptable.

Highways/Travel Impacts

- 2.9 The development would provide a new vehicular access onto the site from Woodnesborough Lane. 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 2m x 43m).
- 2.10 Table 1.1 of the Core Strategy suggests that a minimum of one independently accessible car parking space 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 open car parking spaces for the dwelling, meeting the needs generated by the occupiers of the

dwelling. Therefore, the proposed development would comply with policy DM13 of the Core Strategy.

- 2.11 The development does not include any defined provision of cycle parking spaces. In accordance with the recommendations of the Kent Design Guide (including Interim Guidance Note 3) and the NPPF, and to encourage and facilitate the use of this sustainable form of transport, it is considered that details for the provision of cycle parking (at one space per bedroom) should be secured by condition.

Other Matters

Ecology

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

- 2.12 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.
- 2.13 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.
- 2.14 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.
- 2.15 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.
- 2.16 Given the limited scale of the development proposed by this application, a contribution towards the Councils 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.

Archaeology

- 2.17 The site lies in an area with archaeological potential. Given the scale of the proposed development, it is considered that there is a reasonable likelihood that the development will impact upon heritage assets of archaeological interest. Consequently, it is considered that it would be reasonable to require an archaeological watching brief in this instance.

Drainage

- 2.18 The application site lies within flood zone 1 which indicates that the site is at a lowest risk of flooding. Therefore, no flood risk harm is envisaged from the proposal. Concerns have been raised regarding foul drainage provision. Southern Water have not raised any concerns in this respect and it is noted that the application is for one dwelling only. As such, it is not considered that the development would cause any material harm regarding increased risks of localised flooding. It is, however, considered that it would be proportionate to attach a condition in relation to a detailed scheme for the disposal of surface water.

3. Conclusion

- 3.1 It is concluded that no significant harm would arise in respect of the character and appearance of the area and the proposal would therefore comply with the aims and objectives of the Framework. Furthermore, in the absence of a five year supply of housing in the District and given the aim of the Framework to boost significantly the supply of housing, the application is strongly supported by the NPPF. It is therefore recommended that planning permission be granted.

g) Recommendation

- I PERMISSION BE GRANTED subject to the following conditions: (i) Timescale of commencement of development, (ii) A list of approved plans (iii) 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; measures to prevent the discharge of surface water; Use of a bound surface for the first 5 metres of the access from the edge of the highway; Completion and maintenance of the access; Gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter; Provision and maintenance of 43 metres x 2 metres x 43 metres visibility splays at the access with no obstructions over 1 metre above carriageway level within the splays, prior to use of the site commencing (vi) Samples of materials (vii) Soft and hard landscaping details (viii) Details of surface water disposal (ix) Archaeological watching brief (x) removal of PD rights (Classes A, B and E) and boundary treatments (xi) restricting PD rights for the insertion of new windows to the side elevation. (xii) bin storage details.
- 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