

- a) **DOV/18/00692– Variation of Condition 2 (approved plans) to allow changes to approved drawings of planning permission DOV/16/00007 (application under Section 73) at Land and Garages rear of and including 4 and 5 The Droveaway, St. Margarets, CT15 6DH**

Reason for Report: Number of third party representations received.

b) **Summary of Recommendation**

Planning permission be granted

c) **Planning Policy and Guidance**

Dover District Core Strategy 2010

- DM1 - Development within the built confines

National Planning Policy Framework (NPPF) 2018

- Paragraph 8 – the three objectives of sustainability
- Paragraph 11 – presumption in favour of sustainable development
- Paragraph 61 – size type and tenure of housing provision for all sections of the community
- Paragraph 127 and 131 – seeks high quality design
- Paragraph 177 – where an appropriate assessment is required, the presumption in favour of sustainable development does not apply.

d) **Relevant Planning History**

DOV/16/00007 – Erection of three dwellings and change of use of the ground floor of 4 and 5 The Droveaway from commercial to a residential flat and associated parking and landscaping (garages to be demolished) – Granted

DOV/13/01020 – Erection of four dwellings – Refused

DOV/02/01339 – Erection of 2no. semi-detached dwellings, 1no. attached dwelling and the change of use of no. 4 and 5 The Droveaway to form 2 flats, associated parking and landscaping (existing garages to be demolished) - Granted

e) **Consultees and Third Party Responses**

St Margarets Parish Council: Object as considered overdevelopment of the site.

KCC Highways: KCC Highways were not re-consulted in this instance as they noted on the 2016 application that it was a non-protocol application. They did note at that time that the loss of garage spaces (independent of a dwelling) was not controllable through planning.

Third party Reps: 13 Objections were submitted

- overdevelopment resulting in further demands on local infrastructure
- visitor parking would be used for the dwellings
- the new roof would be too high and out of keeping
- loss of privacy to gardens
- exacerbate existing parking and traffic concerns in The Droveaway
- proposed dwellings would be out of keeping with existing properties
- inadequate parking provision
- access for delivery vehicles would be restricted

f) 1. Site and the Proposal

- 1.1 The site is located to the north-western side of The Droveaway in St Margarets. The site, prior to the 2016 permission, was formed of 4 and 5 The Droveaway (with a retail unit at ground floor level and a first floor flat) and 18 garages to the rear. The vehicle access to the garages is located to the south-western boundary of the site. Currently, the garages have been largely removed and some works have commenced in line with the 2016 permission.
- 1.2 There are residential neighbours to each boundary, with large detached dwellings on the opposite side of The Droveaway. The driveways for Nos. 6, 8 and 8a The Droveaway are immediately opposite the application site access and proposed visitors parking.
- 1.3 The 2016 permission granted approval for the formation/erection of 5 residential units; 2no. semi-detached dwellings to the rear with integral garage and carports (Units 1 and 2), conversion of Nos. 4 and 5 The Droveaway to a ground floor and first floor flat (Units 4 and 5), and the erection of an attached dwelling to the south-west end of No.4 The Droveaway (Unit 3). Parking for Units 1, 2, 4 and 5 was largely to the rear of the site whilst Unit 3 would benefit from a private driveway for two vehicles. Each unit formed two storey, two bedroom dwellings and adequate parking was provided.
- 1.4 This application seeks to make alterations to the approved scheme under Section 73. There are a number of alterations proposed which, for the sake of clarity, have been outlined in sections 1.5 to 1.9 below.
- 1.5 Units 1 and 2 – It is proposed to change the roof line as permitted to allow for habitable space in the roof. This would not result in a higher ridge or eaves height but would change the pitch of the south-east facing roof slope (facing the rear of Units 3-5) to a steeper pitch to allow for the provision of a room in the roof space of both units. Roof lights would also be inserted into the roof; each dwelling would have two roof lights (one facing to the north-east, and one facing to the south-west). The sill heights for the roof lights would be a minimum of 1.7m. These rooms, whilst habitable, cannot be considered bedrooms as they would be unable to comply with building regulations with regards to fire safety (no appropriate form of egress).
- 1.6 The other alteration proposed to Units 1 and 2 is the removal of the garage to Unit 2 and the widening of both units at ground floor level whilst retaining the carports (one parking space per unit within the carport).
- 1.7 Unit 3 – It is proposed to add an extra bedroom to this property through a first floor side extension, left open below to allow for car parking. The main roof across the three contiguous units would not be altered from that allowed

however, there would be a new, lower hipped roof to the side above this extension. The extension would be approximately half the depth of the host dwelling, with the rear elevation in line with the main rear-facing elevation of the host dwelling. It would not impact on parking provision for this unit.

- 1.8 Units 4 and 5 – It is proposed to return these two building back to two single family dwellings rather than retain the first floor flat and convert the ground floor to a flat as allowed in the 2016 permission. There would be little difference in external appearance apart from the provision of separate garden spaces and the re-introduction of front doors to both units.
- 1.9 Parking provision – It is proposed to increase the number of on-site parking spaces (apart from the carports of Units 1 and 2 and the driveway of Unit 3) to a total of 8. This reflects the fact that Units 4 and 5 would be dwellings rather than flats as allowed and under DM13, would require the provision of 1.5 parking spaces in this location. The parking spaces would be allocated as follows: an additional allocated parking space for each of Units 1 and 2, single allocated parking spaces for Units 4 and 5, and 2no. parking spaces for visitors to the rear and two additional visitor parking spaces to the front of the site. There is no changed to the proposal parking provision of Unit 3.
- 1.10 The drawings submitted with DOV/16/00007 showed the provision of an access route to 2 Bay Hill Cottages which is not shown on the revised drawings. The provision of this access was not a requirement of the original permission and there is a principle access to this dwelling from Sea Street/Bay Hill. If a legal right of way exists across the application site for the use of 2 Bay Hill Cottages, this is a civil matter and would not have a bearing upon the determination of this variation of condition application.

2. Main Issues

- Principle of Development
- Impact on the visual amenity and street scene
- Impact on residential amenity
- Impact on highways and parking
- Ecology
- Appropriate Assessment

3. Assessment

Principle of Development

- 3.1 The principle of the development was established by planning permission DOV/16/00007. The application site is within the confines of St Margarets and would be compliant with Policy DM1 of the Core Strategy.

Background to 2016 permission

- 3.2 Permission was granted (under delegated powers) for a small housing development on a brownfield site within St Margarets. At the time of the report, there were 3no. third party objections; the Parish Council did not

object to the proposal. The concerns raised included the loss of parking through the loss of the garages (10 of which were in use at the time), overdevelopment of the site and impact on neighbours. The proposal was evaluated on Ecology impacts, highways considerations (including the loss of the garages which cannot be controlled by planning), residential amenity, visual impact and on the loss of a retail space and the development was found to be acceptable. The proposed amendments within the current application would not run contrary to any previous assessments or negotiations for this site.

Impact on visual amenity and the street scene

- 3.3 Of the variations to the permitted scheme proposed, there are a few main areas which could potentially impact on visual amenity and street scene. These are: alterations to the roof above Unit 2, the installation of roof lights in Units 1 and 2, the formation of dwellings in place of the permitted flats in Units 4 and 5, and the erection of the first floor side extension/carport to Unit 3. There are no variations to the proposed external finish materials; these remain tiled roofs, brick and render elevations and white uPVC windows and doors as approved by planning permission DOV./16/00007.
- 3.4 The alteration to the roofline of Units 1 and 2 would be visible in public views but only at oblique angles. Wider views of these units would be largely screened by existing buildings, Unit 3 and existing vegetation. The clearest view would be along the private access road to Nos. 7, 9 and 11 The Droveaway, set behind the application site. Some screening would be provided by an existing large, mature deciduous tree which will be retained. The site slopes down towards the rear and given that the proposed new ridge height would be 7.5 m, it would sit below the existing ridge height of Units 4 and 5 which is almost 9m in height. As such, the end elevation of Unit 2 would be unlikely to result in an incongruous feature nor would it be unduly prominent in the street scene.
- 3.5 There are new roof lights proposed in the roof of Units 1 and 2. However, those to the front roof slope would not be unduly visible from the highway (only perhaps in limited views across the gardens of the Bay Hill Cottages) whilst the rear facing roof lights would be seen only at an oblique angle from The Droveaway. The existing dwelling to the north-east, No. 13 The Droveaway, would largely obscure the views of these roof lights. However, roof lights are not an unusual feature of dwellings in this area and would therefore not be out of keeping. It is considered therefore that the roof lights would be unlikely to result in harm to visual amenity or to the street scene.
- 3.6 In the 2016 permission, the existing shopfronts on Units 4 and 5 were to be replaced with large windows, with access to the flats from a side walkway (to the north end). It is now proposed to re-form the original two single family dwellings which would have pre-dated the shop use, and replace the shopfronts with new front entrance doors and new windows to serve the kitchens in the units. This would return the building to a more domestic character and would be more in keeping with the surrounding forms of development than the large windows and side access originally allowed through the 2016 permission. The materials proposed would be the same as those allowed through the 2016 permission. As such, it is considered that the proposal would be unlikely to result in any undue harm to the character of the

area and would result in an enhancement (albeit minor) to the surrounding residential area.

- 3.7 The proposed first floor side extension to Unit 3 (forming a carport below) would be visible in views from The Drove way to the south-west of the application site; the extension would be screened by the host dwelling in views from the north-east along The Drove way. The extension would be designed to match the host dwelling and would therefore be unlikely to appear incongruous or unsympathetic to the host dwelling. The siting of the extension, to align with the rear elevation of the host dwelling and set back from the highway by 8.5m approximately, would somewhat mitigate the visual impact of the extension. The extension is visually 'lightened' through the open carport below, and the lower hipped roof above which would clearly result in a subordinate extension. As such, it is considered that the proposal for a first floor side extension would be unlikely to result in harm to visual amenity or the street scene.
- 3.8 The other variations from the approved scheme, such as the minor alterations to the landscaping, the additional parking provision and the other alterations to Units 1 and 2 would be unlikely to result in any harm given the very limited public visibility of these aspects of the proposal. It is considered therefore that the proposed amendments would not be likely to result in any undue harm to visual amenity or the street scene and would accord with the aims and objectives of the National Planning Policy Framework (2018), specifically Paragraph 127 and 131.

Impact on residential amenity

- 3.9 The alteration of the two flats allowed for Units 4 and 5 to two dwellings would not result in any new windows to the side or at first floor level which would result in any overlooking or loss of privacy. There would be no increase to the built form of these units. As such, this proposed change from the allowed 2016 scheme would be unlikely to result in any increased loss of light, sense of enclosure, loss of outlook or loss of privacy, interlooking or overlooking. As such, it would not be likely to result in any undue harm to residential amenity.
- 3.10 The proposed first floor side extension/car port to the south-west elevation of Unit 3 would increase the built form of the street-facing development. Whilst there is no window proposed in the rear elevation of the extension, there is a window to the front elevation and a small window serving the en-suite bathroom. The building to the south-west is formed of retail units. To the rear of these retail units, there are dwellings (Bay Hill Cottages) which could be impacted by the proposed window in the bathroom. It would be reasonable, in the interests of safeguarding the amenity of the occupants at the Bay Hill Cottages from overlooking or loss of privacy (albeit quite minor), to require this window to be obscure glazed with a sill height of no less than 1.7m above the floor level.
- 3.11 The alteration of the roof pitch above Unit 2 could result in some impact on residential amenity, specifically through the potential for the loss of light to habitable spaces to the proposed Units 4 and 5 and to No.13 The Drove way. This aspect was not discussed in the 2016 report however, given the overall ridge height and the distance to No.13 The Drove way, it is unlikely that the proposal would result in a loss of light or sunlight to the neighbouring

occupants. The position of the proposed altered roof line, would throw shadow onto the private access road to Nos. 7, 9 and 11 The Droveway, and perhaps as far as the garage of No.13. As such, it is unlikely to result in a loss of light to the habitable spaces of No.13 or any other neighbouring dwelling.

- 3.12 The provision of roof lights to the front and rear roof slopes of Units 1 and 2 could result in a perception of overlooking. An additional section drawing was requested from the applicants to illustrate that all roof lights would have a sill height of 1.7m minimum above the internal floor level and therefore, actual overlooking or loss of privacy would not be to unacceptable levels and views would be upwards rather than down into the neighbouring gardens (no adjacent dwelling is at such an angle that views from the roof lights would result in interlooking). There is approximately 13m from the front elevation of Units 1 and 2 and the boundary with Bay Hill Cottages, and over 20m to the nearest of these dwellings. With the existing and proposed boundary treatments, including close boarded fencing and existing vegetation, it is unlikely that the front-facing roof lights would result in a perception of overlooking. The rear facing roof lights would likely be visible from the gardens of several neighbouring dwellings. Given the proximity of the garden space of No.13 The Droveway, it is unlikely that the roof lights would be unduly visible, except perhaps in views from the far side of their garden. It is considered that the perception of overlooking to this property would not result in undue harm in this instance.
- 3.13 Given the above, it is unlikely that any amenity harm would result from the proposed amendments to the approved housing development and that the proposal would comply with the aims and objectives of the National Planning Policy Framework (2018) in this regard, and specifically Paragraph 127.

Impacts on highways and parking

- 3.14 A number of concerns have been raised with regards to the potential for increased vehicle movements into and out of the application site with the associated highway safety risks given the narrowness of both the site's vehicle access and The Droveway itself and that the proposal, due to the intensification of the site through the provision of additional bedrooms, the parking provided would not be adequate and result in increased parking pressures locally.
- 3.15 The vehicle access as existing would remain largely unchanged as a result of these proposed changes. It should be noted that this site had 16 garages prior to the commencement of works and as such, there could have been a large number of vehicle movements through the existing access for a number of years. The 2016 proposal and the current proposed amendments would not worsen the potential situation and would likely result in an improvement if compared with the garaging being used fully with 16 vehicles parked on site. There would be only 8no. vehicle parking spaces under the current proposal to make use of the existing vehicle access. I accept that it is likely that the dwellings could result in more vehicle movements than have been typical for this site for a number of years however, given the visibility possible from the existing access, it is considered that the proposal would be unlikely to result in any additional highway safety concerns.

- 3.16 DM13 of the DDC Core Strategy states that, as guidance, a 1-2 bedroom dwelling, in a village location, should be provided with 1.5 parking spaces per unit whilst 3 bedroom dwellings in a village location should be provided with 2 independently accessible parking spaces. Both Units 1 and 2 have 2 independently accessible parking spaces and as such, comply with DM13. Units 4 and 5 have one allocated parking space each but through the provision of 4 visitor parking spaces, the equivalent of more than 1.5 spaces per unit would be achieved and thereby accord with DM13. Unit 3 would have 2 parking spaces although not independently accessible. However, given the additional visitor parking spaces and the proximity to services it is not considered problematic for Unit 3 to have parking 'in series'.
- 3.17 Overall, it is considered that the proposed variations to the 2016 permission would be unlikely to result in harm with regards to highway safety nor result in undue parking pressure for on-street parking. The proposed variations are considered acceptable in this regard and would comply with Policy DM13 of the Core Strategy.

Ecology

- 3.18 A preliminary ecology appraisal was submitted with the 2016 application which confirmed there was no presence of any protected species, and included recommendations to works to trees to take into account the potential for birds and bats. This assessment has not altered since the 2016 permission was granted.

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

- 3.19 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.
- 3.20 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 an adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 3.21 Following consultation with Natural England, the identified pathway for such an adverse 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.
- 3.22 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.
- 3.23 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.

- 3.24 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have an 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.

Conclusions

- 3.25 It is now a requirement of any planning application for the provision of new housing to undertake an Appropriate Assessment. Whilst this was not undertaken as part of the original application, the conclusion of the assessment does not alter the acceptability of the scheme.
- 3.26 It is considered that the proposed amendments to the approved housing development would be unlikely to result in undue harm to the visual amenity or street scene of the area and would be compliant with Paragraphs 127 and 131 of the National Planning Policy Framework (2018) and DM1 of the Core Strategy (2010).
- 3.27 It is considered that the proposed amendments to the approved housing development would be unlikely to result in any undue harm to the residential amenities of the adjacent dwellings and would comply with Paragraph 127 of the National Planning Policy Framework (2018).
- 3.28 It is therefore concluded that a variation of condition should be granted with appropriate conditions applied and re-applied.

g) Recommendation

- I Planning Permission BE GRANTED subject to the the following conditions:
- 1) 3 year from 01/04/2016; 2) in accordance with approved plans; 3) Window in Unit 3 en-suite bathroom to have sill no lower than 1.7m above the internal floor level; 4) re-apply/alter necessary conditions of 2016 permission.
- 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 the Planning Committee.

Case Officer

Andrew Wallace