

- a) **DOV/18/01266 - Erection of a detached dwelling, two bay car port and sunken terrace (existing outbuilding to be relocated) - Land at 5 Mill Bank Cottages, Mill Lane, Eastry, Sandwich**

Reason for report: Number of contrary views (6).

- b) **Summary of Recommendation**

Planning permission be refused.

- 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

- CP1-The location and scale of development in the District must comply with the Settlement Hierarchy. Eastry is identified as a Local Centre and a secondary focus for development in the rural area.
- 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.
- 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**

DOV/07/00700 - Outline application for single storey dwelling two bedroom dwelling with parking/garage-Refused

#### e) **Consultee and Third Party Responses**

##### Parish Council

No objections.

##### Southern Water

Requires a formal application for a connection to the public sewer in the event that planning permission is granted.

##### County Archaeologist

Notes that:

"Eastry is archaeologically important because of its location adjacent to the former Dover to Richborough Roman road as well as the settlements known and potential significance in the early medieval period. Four separate cemeteries dating from this period are also recorded in and around the periphery of the present village. One of these lies some 150m to the south of the application site. The fields to the south east of the application site also contain extensive evidence of ancient

landscapes in the form of cropmarks visible on aerial photography. These cropmarks illustrate the presence of former trackways, enclosures and field systems of unknown date. For the above reasons a Watching Brief Archaeological condition is recommended.”

### Kent Highways

The KCC Highways Engineer has indicated verbally that one additional dwelling will not impact on highway safety. In response to comments from neighbours the KCC Highways Engineer has stated that there are no plans to add double yellow lines adjacent to the site.

KCC PROW Notes the proposal will not have any direct impact on the public footpath EE256 to the south of the site.

### Third Party Representations

A total of 15 representations have been received. Of these 9 are in support and 6 raise objections. Some of the letters of support are from addresses outside of the village and in some cases outside the district. Those in support make the following comments:

- The modern design is vibrant and sophisticated and will not blight the surrounding area.
- Building on land within the village confines is more suitable than taking valuable Green Belt land.
- Reference has been made to traffic congestion/parking on this corner. Correspondents suggest that the proposal will lead to the introduction of parking restrictions in the vicinity. Road users consider the proposal will stop dangerous parking on this corner.

Those against the proposal make the following comments:

- The design of the property is too modern and out of keeping with the area.
- The occupants of the new dwelling will be overlooked and will overlook the occupants of adjacent houses. This will lead to loss of privacy for existing and proposed residents.
- The existing on street parking in the vicinity of the site causes obstructions for road users including lorries and double decker buses. The proposed property will only add to the danger for users of this busy narrow road.
- Reference has been made to a previously refused dwelling on the plot.

## f) 1. **Site and Proposal**

- 1.1 The application relates to land at Number 5 Mill Bank Cottages. The existing property is a two storey detached house comprised of white painted brickwork with a tiled roof. It is situated in the south western corner of its plot that is elevated above road level by approximately 3.3m. Number 5 benefits from a relatively flat garden that extends to the north and east of the property.
- 1.2 The property lies on the south side of the junction of Mill Lane with Upper Gore Lane and within the settlement confines. The northern boundary comprises a brick wall approximately 1.8m in height above which is a picket fence with deciduous hedge

behind. This wall is set back approximately 3.5m from the back edge of the highway and is separated from the pavement by a slightly elevated grassed verge. Number 5 is reached via a block paved driveway positioned adjacent to the bend in Mill Road and adjacent to the grassed verge area. The driveway leads up to the parking area in front of the house. Within the garden area of number 5 there is a substantially sized detached outbuilding with domestic appearance positioned adjacent to the eastern boundary of the site. Number 5 is adjoined on the southern side by a Public Right of Way.

- 1.3 To the east of the application site is a detached pitched roof bungalow known as Solent, which also occupies an elevated position above road level. This dwelling has two clear glazed windows on the western side facing the application site. The slab level of Solent is slightly higher than the garden of number 5.
- 1.4 There is a mix of property sizes and styles in the vicinity, but in general they are of a traditional style with either hipped or ridged roofs. The area has a semi-rural character due to its location close to the edge of the village and the open countryside beyond.
- 1.5 Full planning permission is sought to sub-divide the plot of number 5 and erect a detached two storey dwelling on the northern part of the property, involving significant excavation of part of the existing garden.
- 1.6 The proposed house would comprise two floors and would have a two storey appearance from the Mill Lane frontage. At the rear (southern elevation) it would appear as single storey due to the lower floor being concealed from view within the excavated area. The lower ground floor would accommodate three bedrooms, bathrooms and a utility room. The majority of the lower floor accommodation would have a northerly aspect with the exception of bedroom 1 which would look out onto a sunken paved patio. There would be steps leading up from this area to the elevated rear garden. The upper floor would accommodate the kitchen/living/dining area and a study. The rear elevation of the property would be glazed across its entire width with sliding doors opening out onto a decked area.
- 1.7 The proposed dwelling is of a contemporary design and is described as “a style which is of its time rather than a pastiche of earlier styles.” It would have a flat roof with the exception of the western most section which would incorporate a mono-pitched roof sloping down from south to north.
- 1.8 The house would be finished with a rendered façade at lower ground level and red cedar timber cladding to the upper ground floor. The feature wall separating the living and circulation spaces would be clad with black weather boarding. Boundary treatments would comprise new and existing close boarded fencing.
- 1.9 The proposed dwelling would be reached via the existing driveway for number 5. This would lead to a green roofed car port situated in the south western corner of the proposed plot. A new pedestrian access would be created leading from the northern side of the plot.
- 1.10 The existing dwelling would be retained together with the remainder of the garden to the east, including the outbuilding which would appear to be re-positioned further south. Vehicle access and manoeuvring space would be shared and three parking places retained towards the western side of the plot for the occupants of number 5.

## 2. **Main Issues**

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

- 2.1 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.
- 2.2 The site lies within the settlement confines of Eastry where the principle of the development is broadly acceptable in terms of policy DM1.

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

- 2.3 Whilst the principle of the proposal is in accordance with adopted policy DM1, it is necessary to give careful consideration to the specific nature of the scheme having regard to the character of the area, the relationship with the host dwelling and surrounding properties and the standard of accommodation to be provided, including parking provision.

#### Character of the Area

- 2.4 This part of Eastry consists of a mix of property ages, styles and materials. The plot sizes and shapes also vary in the vicinity of the application site. Some dwellings are elevated above road level and others are set back from the level of the highway. Whilst it is acknowledged that there is a mix of residential styles and slab levels in this part of the village, it is noted that the properties are generally of traditional appearance and materials.
- 2.5 The proposed dwelling in contrast would be of a modern, largely flat roofed design and would be finished in render with timber cladding. Whilst such a design and materials are acceptable in their own right they are not a common feature in this part of Eastry.
- 2.6 Unlike the scheme refused in 2007 the current proposal is for a larger dwelling that would be arranged over two floors and would involve a significant amount of excavation of the northern part of the site together with the removal of the front boundary wall and fence/hedge.

#### History

- 2.7 It is necessary to have regard to the recent planning history for the site-application DOV/07/00700, which is a material consideration. This application was in outline form with all matters reserved other than the means of access. The submitted indicative

plan showed a two bedroom bungalow set at a similar slab level to Solent with the rear elevation roughly in line with the front elevation of this property. It was proposed to make use of the existing access and to enlarge the parking area. This application was refused for the following reasons:

*“1. The proposal if permitted would (on the basis of the information provided on the indicative plans) be likely to result in an isolated and prominent development which would appear as an incongruous feature, unrelated to the prevailing spatial and visual character of the area, contrary to Dover District Local Plan policy DD1 and DD5 and Kent and Medway Structure plan policy QL1.”*

*2. The indicative plans fail to illustrate how a dwelling could be sited on the plot without harming the residential amenities of the adjacent dwelling “Solent”. By virtue of the indicative siting and the relationship with “Solent” it would cause an unacceptable sense of enclosure and corresponding loss of outlook together with a detrimental impact on the amount of natural light received, significantly affecting the residential amenities that the occupiers of this property could reasonably expect to enjoy. The proposal would therefore be contrary to Dover District Local Plan policy DD1 and the Kent and Medway Structure plan policy QL1.”*

- 2.8 Since 2007 various new national Planning documents/guidance have been produced including the NPPF (2012) which has been replaced by the NPPF (2018). In addition there have been changes at local level with the adoption of the Core Strategy in 2010.
- 2.9 Paragraphs 124, 127 and 130 of the NPPF 2018 outline the need to create high quality buildings and places and ensure that development adds to the overall quality of the area. In particular development should be sympathetic to the local character and history including the surrounding built environment and landscape setting.
- 2.10 With regard to the nature of the application site there do not seem to have been any major changes in the physical features at the site since 2007. Whilst the policy framework has altered over time, the general principle regarding development within the settlement confines remain the same i.e. to achieve a high standard of design, whilst having regard to the residential amenities of existing neighbouring occupants.
- 2.11 Unlike the refused scheme the current proposal is for a larger dwelling that would be arranged over two floors and would involve a significant amount of excavation of the northern part of the site together with the removal of the boundary wall and fence/hedge. The current scheme shows a two storey dwelling positioned in a similar location within the site to the refused 2007 application. From the road frontage it would appear as a two storey dwelling rather than an elevated bungalow. From the rear the dwelling would again have a single storey appearance albeit in a different style.
- 2.12 The excavation of the site frontage and introduction of a dwelling in this location would result in a significant change in the street view of Mill Lane. Part of the grass verge and much of the retaining wall, elevated fence and hedging would be removed to enable an extensive part of the front garden to be excavated to accommodate the proposed two storey dwelling. The proposed works would have a significant impact on the appearance of the street scene by reason of the volume of excavation and opening up of the site frontage. These works would alter the rural character of the lane and are considered to be detrimental to the visual amenities of the locality. Although the proposed dwelling would be set back approximately 3.5m from the Mill Lane frontage, the two storey house would appear as a dominant and incongruous feature by reason of its bold contemporary design and use of alternative materials.

- 2.13 The combination of the excavation works required and change to the appearance of the street scene are considered to be contrary to paragraphs 127c) of the NPPF which seeks to ensure that planning decisions are sympathetic to the local character including the surrounding built environment and landscape setting. Whilst the Council would not wish to discourage high quality design it is still necessary to have regard to the established character of the locality.

#### Impact on Neighbours

- 2.14 As with the previous application there is concern about the relationship of the proposed dwelling with the bungalow called Solent, immediately to the east. This bungalow is L shaped and projects forward beyond the northern elevation of number 5 Mill Bank Cottages. Solent incorporates clear glazed windows in the western side serving an office/bedroom and dining area which face across the application site over the existing outbuilding adjacent to the eastern boundary of the garden of number 5. The boundary treatment between the two properties comprises a mix of low wooden fencing and a mesh fence which are understood to be under the ownership of the occupants of Solent. There is some evergreen hedging growing on the application site beyond the applicants outbuilding and adjacent to the fencing belonging to Solent.
- 2.15 The upper floor of the proposed dwelling would be sited at a slightly lower level than Solent and at the nearest point would be approximately 7m away. The sunken paved area to the rear of the lower ground floor bedroom would be located around 3.5m distance from the front corner of Solent.
- 2.16 It is appreciated that a 1.8m fence is shown along the boundary with Solent and some mixed shrub planting is shown in the narrow space remaining between the sunken paved patio and the boundary. Solent has a slightly higher slab level and there remains concern about the possibility of overlooking from Solent towards the proposed dwelling, once the existing boundary treatment/planting is removed from the application site along the mutual boundary.
- 2.17 Given the proximity of the proposed dwelling to Solent the construction of a fully glazed rear elevation and the slightly higher slab level of Solent, there is concern about the standard of amenity that the occupants of the proposed dwellings would enjoy. The glazed rear elevation and adjoining decked patio area would be located close to Solent which has clear glazed windows in the western side. There is concern that the elevated siting of Solent would result in an unsatisfactory level of privacy for the occupants of the proposed dwelling. It is considered that the proposal would not achieve a satisfactory standard of residential amenity for the occupants of the proposed property contrary to the aims of paragraphs 124 and 127 of the NPPF.

#### Highway Impacts

- 2.18 KCC Highways would not normally comment on a proposal of this scale. The proposed development would make use of an existing vehicular access associated with 5 Mill Bank Cottages. The use of this drive way by one additional dwelling would require considerate driving by the occupants of the properties concerned but would not have an unduly harmful impact on the number of vehicles accessing Mill Lane. A satisfactory number of off street parking spaces and manoeuvring areas would be provided for the occupants of the existing and proposed dwellings in accordance with the requirements of Policy DM13.

- 2.19 Reference has been made in the representations to existing on street parking around the bend of Mill Road and the problems this creates for lorries and the double decker buses which travel through the village. This is apparently an existing situation that is not associated with the host dwelling, which has its own satisfactory off street parking spaces. The proposed dwelling is also shown as having off street parking and as a result should not affect existing parking levels in the vicinity.

#### Ecology

- 2.20 The application site comprises garden land. There are no specific ecological interests on site.

#### Appropriate Assessment

- 2.21 The proposed development requires that an appropriate assessment be undertaken in relation to the potential effects of recreational pressure on the European sites at the Thanet Coast and Sandwich Bay.

The following appropriate assessment has been undertaken on that basis.

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

- 2.22 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.
- 2.23 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.
- 2.24 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.
- 2.25 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.
- 2.26 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

- 2.27 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 the event that planning permission is granted.

#### Drainage

- 2.28 Southern Water has requested a formal application for a connection to the public sewer. This matter can be covered by a safeguarding condition in the event that planning permission is granted.

### **3. Conclusion**

- 3.1 The application has been given careful consideration having regard to adopted local and national planning policies and guidance. Despite the fact that this site falls within the identified settlement confines of the village, the development is not considered to be in accordance with the aims and objectives of the NPPF.
- 3.2 The assessment concludes that due to the location of the proposed dwelling in relation to the adjacent properties and the siting of the dwelling close to the back edge of the highway and the degree of intervention and change necessary to the street frontage, the development would cause harm to the semi-rural character and appearance of Mill Lane and proposed residential amenities.
- 3.3 It is concluded that the scheme does not meet the requirements of paragraphs 124 and 127 of the NPPF and as such it is therefore recommended that planning permission is refused.

#### **g) Recommendation**

I REFUSE PLANNING PERMISSION for the following reasons:

1. The proposal would result in a prominent and incongruous form of development which by virtue of the change in land form and excavation required, together with loss of natural screening and the forward siting of the dwelling and its size and design, would appear unrelated and detrimental to the prevailing spatial and visual character of the area contrary to the aim of paragraph 127 of the National Planning Policy Framework.
2. The private amenity space associated with the proposed dwelling would be sited in close proximity to the adjacent property known as Solent, such that harm would be caused to the level of private residential amenity enjoyed by the occupants of the proposed property to the detriment of their living conditions, contrary to paragraph 127f) of the National Planning Policy Framework 2018.

Case Officer

H Johnson