

a) **DOV/19/00119 – Erection of a detached dwelling (existing dwelling to be demolished) - 12 The Marina, Deal**

Reason for Report: Number of contrary responses (15 including Town Council)

b) **Summary of Recommendation**

Planning permission be granted

c) **Planning Policy and Guidance**

Dover District Core Strategy 2010

- DM1 - Development within the built confines.
- CP1 – Settlement Hierarchy.

National Planning Policy Framework (NPPF) 2019

- Paragraph 8 – the three objectives of sustainability.
- Paragraph 11 – presumption in favour of sustainable development.
- Paragraph 127 – achieving well-designed places.
- Paragraph 130 – permission should be refused for poor design.
- Paragraph 131 – great weight should be given to outstanding or innovative design.
- Paragraph 197 – Non-designated heritage assets

d) **Relevant Planning History**

No relevant history.

e) **Consultees and Third Party Responses**

Deal Town Council: Strongly object as out of character with the area

KCC Archaeology: Note the historic interest of the existing dwelling. Should permission be granted, a condition requiring a scheme of archaeological measures should be secured by condition.

Southern Water: No objection to the proposal.

DDC Engineering: Concurs with the findings of the conditions report that the building is beyond reasonable structural repair and would need to be rebuilt.

Third Party Reps: 14no. objections have been received and are summarised below:

- The modern structure would not be in keeping with the character of the seafront.
- Gabions would be alien to residential properties in the area.
- The proposal could lead to a loss of amenity through overlooking, interlooming, loss of privacy and overbearing impact.
- Detailed design and the proposed materials out of keeping with the area.
- Large front window proposed out of keeping with area.
- The rooftop solar is not attractive.
- The materials are 'too black'.

- Loss of the building would be disappointing as it is historic and has formed part of the street scene for years.

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

- 1.1 The application site is made up of a two storey, timber-framed dwelling set to the north-east corner of a large garden and is located to the west side of The Marina within the settlement confines of Deal. It is not within a conservation area nor is it listed but it is considered to be a non-designated heritage asset and is on a site of high archaeological potential. It is within Flood Risk Zones 2 and 3 and is located opposite the seawall.
- 1.2 The existing dwelling is flanked by a dwelling to the south (11A The Marina) and The Deal Angling Club (DAC) to the north. To the rear of the dwelling is a large garden with access to a garage (accessed from Bulwark Road). To the rear of the garden is 2a Bulwark Road, a dwelling attached to the south side of the single garage belonging to the application site.
- 1.3 The existing dwelling is clad in white-painted timber weatherboarding with bay windows to the street frontage and a deep two-storey rear extension. The dwelling is set away from the boundary of No. 11a with a side garden which is enclosed by a high brick wall to The Marina. It is of a relatively simple, early 19<sup>th</sup> century design which is of a similar scale to the existing neighbouring buildings. It is in a poor state of structural repair and would be demolished as part of this application.
- 1.4 It is proposed to build a new detached, three-bedroom dwelling on the application site. The building would be of a contemporary design, making use of both modern and traditional materials which would include grey zinc, white render, grey-stained weatherboarding and a gabion-effect detailing to the ground floor level.
- 1.5 The front elevation would be articulated in such a way as to form two visual masses; the area above the main entrance which would be clad in grey weatherboarding and set under a steeply pitched roof and the main bulk of the dwelling which would be flat-roofed and rendered in white render. The gabions at ground floor level would unify the two sections. The second floor 'solar', clad in zinc, would be centrally sited, set back from the front and northern elevations. There would be a glazed balustrade around the roof terrace sited behind the front and side parapets. There would be a number of roof windows but these would not be visible in any public views hidden behind the parapets.
- 1.6 The proposed dwelling would occupy almost the full width of the plot, retaining a gated side access alley to the southern boundary (adjacent to No.11A). The alley would be adjacent to a part two-storey, part single storey section of the proposed dwelling; the two storey element would end just beyond the rear elevation of No. 11a to the south and would project into the garden by 3.9m as a single storey ground floor extension. The main section of the proposed dwelling would be largely two-storeys with a 'third' floor made up of the small 'solar' and roof terrace with views over the Channel. A section of the first floor adjacent to the northern boundary would be cantilevered to form a covered terrace area. The overall footprint of the proposed dwelling would be approximately one-third larger than the existing dwelling. The proposed dwelling would be adjacent to the northern boundary, immediately adjacent to the Deal Angling Club.

- 1.7 Internally, there would be 2no. bedrooms at ground floor level and a master suite at first floor level. Along with a utility room and wet room at ground floor level, there would be a large open space for use as a studio or workshop for personal use. The main living, dining and kitchen spaces would be at first floor level to take advantage of the views to the front.
- 1.8 Whilst the proposal remains largely as submitted, there have been alterations requested during the course of consideration. The drawings have been amended to reflect these alterations. The first alteration required the second floor solar room to be set in from the north-facing elevation by 1.0m to reduce the visual bulk of the development when viewed together with the Deal Angling Club. Secondly, the timber weatherboarding was, as originally submitted, to be black. This raised a number of third party concerns and it was determined that grey would be more appropriate, as this would visually tie the grey zinc solar and the largely grey gabions together without becoming overly dominant within the street scene. The roof terrace was open to the full extent of the front and side (south) areas of the flat roof. Views into the private spaces of No.11a would have been possible and this was not considered acceptable. A 1.1m high boundary railing which restricts the accessible areas of the flat roof (apart from maintenance) was included in the amended drawings to the south side of the solar room, restricting the roof terrace to the front section of the flat roof only (overlooking the street and seafront). Finally, the western end of the south-facing elevation of the two storey section was originally to be in black weatherboarding. It was noted that the north-facing garden area of No.11A gets reflected light from the existing dwelling and given the proximity the proposed development would have to the shared boundary, it was considered necessary to ensure this flank wall was white rendered. None of the amendments were such as to require a new advertisement/consultation period.

## **2. Main Issues**

- 2.1 - Principle of Development  
- Non-designated heritage assets  
- Impact on the visual amenity of the street scene  
- Impact on residential amenity  
- Flood Risk  
- Drainage  
- Parking

### **Assessment**

#### Principle of Development

- 2.2 The site is within the settlement confines of Deal and the proposal is therefore compliant with Policy DM1 of the DDC Core Strategy (2010) which allows, in principle, new development within the confines of urban centres as defined in Policy CP1 of the DDC Core Strategy (2010). New development in this location can be considered acceptable in principle subject to other material considerations.

#### Non-Designated Heritage Asset

- 2.3 The existing dwelling, a former public house, has been described as a non-designated heritage asset by both DDC Heritage and by KCC Archaeology.

The NPPF at Paragraph 197 states that “the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm of loss and the significance of the heritage asset”.

- 2.4 As required by Paragraph 197 of the NPPF, any decision for demolition (ie. loss) of a heritage asset must be balanced with the significance of the asset. DDC does not maintain a local list of non-designated heritage assets nor does the building appear on the Kent Historic Environment Record (the record however, does highlight the site as being significant archaeologically as the site of the North End Brewery). As such, it is considered the significance of the existing dwelling in heritage terms, whilst forming part of the street scene for many years, is not sufficient to require the building to be preserved at all costs. The supporting documentation submitted with the original application included a structural conditions survey relating to the existing timber-framed dwelling. This was discussed with DDC Heritage who were of the view that DDC’s Structural Engineer should evaluate the survey report. The Engineer concurred with the report findings that the building is structurally unsound and cannot be reasonably repaired. This was reported back to DDC Heritage who removed any objection to the demolition of the existing dwelling. Given that the building is beyond reasonable structural repair as confirmed by 2no. structural engineers, it is considered that the demolition of the building is acceptable in this instance.
- 2.5 The idea of ‘rebuilding’ the existing dwelling to match the existing dwelling has been put forward in third party representations and was also considered by the applicants themselves at pre-application stage. The pre-application scheme proposed the rebuilding of the façade of the existing dwelling and adding a side extension similar to the proposed timber-clad section above the entrance door as part of the current application. This resulted in a somewhat odd mix of old and new which did not sit comfortably in the street scene nor would it have been good design. It was recommended in the pre-application response to look at either a fully contemporary or fully ‘traditional’ scheme which would result in a unified elevation. The existing dwelling is not of sufficient historic significance to require its retention at the cost of good modern design. Paragraphs 130-131 of the NPPF gives great weight to good innovative design and would broadly support this proposal.
- 2.6 There were some concerns at Officer level as to the impact the proposal would have on the setting of the adjacent Deal Angling Club (to the north) which is also a non-designated heritage asset. This concern was that the northern elevation of the proposed dwelling would be significantly higher and introduce a significant increase in bulk to the setting of the DAC which would result in harm to the historic significance and views of it from the seafront and other public spaces. However, there is no provision in Paragraph 197 specifically relating to the setting of a non-designated heritage asset nor have DDC Heritage raised any concerns in this regard. Nevertheless, as noted in Section 1.8 above, the position of the solar room has now been amended to sit 1.0m back from the northern elevation and as such, the proposed northern elevation of the main structure would only be marginally above the existing northern elevation of the existing dwelling and therefore the increase in height and the relationship between the two buildings is similar to the existing situation albeit in a varied form. Overall therefore, it is considered that the

proposal would not result in any unjustified harm to any non-designated heritage asset and would accord with Paragraph 197 of the NPPF in this regard.

#### Impact on Visual Amenity of Street Scene

- 2.7 This section of The Marina located between Capstan Row and Dibden Road is characterised by a mixture of building types, styles and scales. No.1 Capstan Row and Nos. 8 and 9 The Marina form a terrace of three-storey terraced dwellings (some converted to flats) of a traditional, late Georgian style finished in white render. No.11a is a two storey mid-to-late 20<sup>th</sup> century modern detached dwelling of brick construction with green weatherboarding to the first floor. No.13 is the Deal Angling Club which dates from 1919, finished in white render and No.14 is a modern 4-storey block of purpose-built flats of brick construction. There is therefore, no unity of style, material or scale in this part of the seafront and the use of a mixture of the existing materials (render, brick and weatherboarding) albeit in differing colours in the case of the weatherboarding and brickwork and the limited introduction of new materials, would not be unduly out of character with the area.
- 2.8 The ridge heights, parapets and flat roof of the proposed dwelling would be above that of No. 11a (albeit with a matching eaves height in the pitched roof) but overall below the height of the Deal Angling Club. The broken roofline of the proposal goes some way to mitigating the potential bulk of the building as does the re-siting of the solar 1.0m from the northern elevation, whilst providing a transition between the heights of buildings in this part of The Marina. The proposed dwelling would be unlikely to appear either unduly bulky for the site nor overly dominant in scale within the street scene. It is considered that the design of the proposal would partially mitigate between the significantly differing heights of the buildings in this part of The Marina and would not introduce an incongruous or unsympathetic bulk or scale to the street scene.
- 2.9 The proposed design reflects the existing building through the use of a large white rendered section set towards the northern boundary in line with the front elevation of the Deal Angling Club. This therefore retains a level of visual relationship to the Deal Angling Club to the north (given the amended 1.0m set-back of the solar) similar to the existing dwelling on the site. The 'white' section of the front elevation is of a similar overall area to the existing white-painted dwelling. The entrance section of the proposed dwelling would replace the existing high brick front boundary wall. The visual impact of a first floor level in this location would be somewhat mitigated through the use of grey weatherboarding and would be sitting within the shadow of No.11a for much of the day. Darker colours tend to make an elevation recede even if, as in this case, it projects forwards of the ground floor building line. It is also noted that there is weatherboarding to No.11a (albeit green and horizontal) and therefore there is some level of relationship between the proposed and existing buildings. It is unlikely that the proposal therefore, would result in an unacceptable increase in bulk or built form on the application site to the detriment of the street scene.
- 2.10 A number of third party representations raised concerns about the use of black weatherboarding, zinc roof and the use of gabions as 'materials' on a dwelling. The agent has supplied a number of examples of the use of black/dark weatherboarding in the area, albeit not on The Marina. It is not an atypical material for Deal nor would it be likely to result in a scheme which

would be unduly prominent in the street scene given the varied materials in the area. The use of gabions is more unusual however, they are made up of natural stones of varying natural shades and would add a texture (somewhat similar to a rough brick in a similar location) which contrasts well with the crisp render and zinc. Concern has also been raised about the use of blue brick for the boundary wall. Again, whilst blue brick is somewhat atypical and non-traditional in the area, low front boundary walls are not atypical and based on the submitted brick sample, the wall would appear more black than a strong blue. This element of the proposal is unlikely to appear unduly incongruous. On balance, it is considered that the new materials are largely offset with a number of more traditional materials such as the white render, the use of zinc/lead and timber weatherboarding and would appear more as highlights than dominant materials. It is considered that the use of new materials would be unlikely to result in undue harm to the street scene.

- 2.11 Further, it is acknowledged that concerns have been raised regarding the size and shape of a number of windows, especially the large picture window to the front elevation at first floor level. Larger windows on the front elevations of unlisted properties on the Deal seafront have become more typical in recent years; taking advantage of both the views and light afforded by the seafront position. Providing these windows integrate well into the host dwelling, it is not considered unduly problematic. It is recognised that an effort has been made to balance the façade of the proposed dwelling and to relate it to the surrounding buildings. The majority of the windows are horizontal reflecting the fenestration of No.11a, whilst the entrance section is decidedly vertical, reflecting the windows and elevational detailing of the Deal Angling Club. Whilst it is acknowledged that these visual relationships are perhaps not as strong and obvious as could be achieved, it is considered that, on balance, it is unlikely that the proposal would result in undue harm to the street scene.
- 2.12 The replacement of a structurally unsound building with a new high-quality contemporary building is supported. Whilst the proposal would introduce materials which are not typical of this part of The Marina, given the high quality of the overall design and its relationship to the surrounding buildings, the new materials would not result in any harm to the street scene. The building would represent an example of good design as sought by the NPPF at Paragraphs 130 and 131. Overall, it is considered that the proposal would be likely to result in a development which is largely sympathetic to the visual amenity of the street scene in terms of massing, scale and some materials whilst still managing to introduce a number of contemporary elements and forms. As such, the proposal is considered to be in line with Paragraphs 127 and 130-131 of the NPPF.

#### Impact on Residential Amenity

- 2.13 The proposed dwelling would sit towards the front boundary of the site. The distance to the rear boundary from the rear elevation of the proposed dwelling would be 13.5m with a total distance to the rear of 2a Bulwark Road of 20m. The distance from the proposed kitchen window and the rear of No.2a would be 25m. Views towards other gardens or dwellings would be largely screened by existing outbuildings and boundary fencing. The southern elevation of the proposed dwelling would be approximately 1.0m from the boundary shared with No.11a. There is a 1.5m close-boarded fence topped with a 300mm trellis separating the application site from the garden of No. 11a. Approximately two thirds of the garden of No.11a is decked and

therefore the fence/trellis appears rather lower than from within the application site.

- 2.14 The proposed new dwelling would have windows facing to the rear, north and south of the property. The north-facing window would overlook an alley behind the Deal Angling Club and would not impact upon residential amenity. However, given this window is on a boundary, it is considered reasonable to require this window to be obscure glazed. The window on the south elevation at first floor level serves a hallway and could result in interlooking to the rear extension and garden area of No.11A. As such, it is considered necessary to require this window to be obscure glazed and fixed shut.
- 2.15 The majority of the proposed rear-facing windows would be unlikely to increase the opportunity for overlooking, interlooking or loss of privacy to any residential neighbour. There are a number of windows on the rear elevation of the existing two storey rear extension and the proposal is unlikely to worsen the existing situation. Whilst the proposed window serving the kitchen could allow some level of visibility into the garden space of No.11a, this would be a very oblique angle and would not likely result in an unacceptable level of overlooking or loss of privacy.
- 2.16 Concern was raised by the resident at No.11a that the use of black weatherboarding on the flank (south facing) elevation could lead to a sense of enclosure and could have an overbearing impact upon the garden space at No. 11a. Even with the colour of the weatherboarding amended to mid-grey, this was considered a valid concern given the proximity of the flank wall to the shared boundary (1.0m away). As such, the proposal was amended to show white render at first floor level for the rear section of the flank wall (the weatherboarding stops part way along the flank elevation). The varied heights with the two storey section projecting 2.5m beyond the rear elevation of No.11a then stepping down to a single storey, would also help address the potential for overbearing. It is considered that the white render and the varied massing would go some way to mitigating any sense of enclosure or overbearing impact of the development. The proposed materials and colour can be secured through a condition and removal of permitted development rights to alter the dwelling would protect the adjoining neighbour from further additions or alterations that could affect their amenities due to the increased scale of the proposal.
- 2.17 Concerns were raised regarding the roof terrace and second floor level as submitted as it allowed almost full access to the flat roof area. This was considered unacceptable in terms of overlooking to private garden space and could result in a loss of privacy. As such, a 1.1m high railing was proposed forward of the main roof light (roof light above the first floor stairway/hallway) which would restrict access to the area of the terrace to the front section of the flat roof which would be well-screened by the proposed high pitched roof above the entrance area. This amendment has overcome these concerns satisfactorily and has not been impacted by the re-siting of the solar. The provision of the railings prior to first occupation can be reasonably secured by condition.
- 2.18 Finally, there would be no loss of light to any residential neighbour as a result of this proposal. At this point, there is no residential neighbour to the north. Regardless, the proposal would be unlikely to result in a significantly greater loss of light to this site than is already experienced given the north-south orientation of the properties. Overall therefore, it is considered that with

suitable conditions, any undue harm to existing residential amenities can be mitigated to an acceptable level and therefore the proposal is considered to comply with Paragraph 127 (f) of the NPPF in this regard.

#### Flood Risk

- 2.19 The application site is within Flood Risk Zone 3a and a full flood risk assessment has been submitted as part of the supporting documentation in line with the EA's standing advice. It concludes that the risk of flooding is low and made recommendations for flood mitigation in line with this level of risk. It is considered reasonable to secure the provision of these flood risk mitigation measures prior to first occupation by condition given the presence of sleeping accommodation at ground floor level.

#### Drainage

- 2.20 A surface water drainage scheme has been provided in the supporting documentation. Given the soil conditions, soak away or infiltration is of limited use in this part of Deal. The supporting documentation submitted with the application states that a 300 litre water butt would be provided to collect water run-off from the roof. No calculations have been shown to securely state that this will be adequate given 300 litres is the size of a standard bath. Southern Water confirmed that there is no surface water sewer system in the area to serve the proposed development. Surface water cannot drain to the foul sewer system. As such, it is considered necessary to secure further details with regards to the surface water drainage scheme for this development.

#### Parking

- 2.21 There is no change proposed to the existing parking provision to the application site. As the application site is located within the urban confines of Deal, it is considered acceptable for a house of the size proposed to have a single allocated parking space to the rear of the property accessed from Bulwark Road. The proposal would be in line with Policy DM13 of the CS.

### **3. Conclusion**

- 3.1 The principle of the development accords with Policy DM1 of the CS. The loss of a non-designated heritage asset, whilst disappointing, is accepted as there are very limited repair options available and the LPA's duty under Paragraph 197 of the NPPF has been discharged. The proposal, whilst of a contemporary design and form and making modest use of new materials, has been designed to largely reflect the existing street scene and would be unlikely to result in any undue harm to the visual amenity of the street scene. On balance therefore, the proposal would accord with Paragraphs 127 and 130-131 of the National Planning Policy Framework (2019) and DM1 and DM13 of the Core Strategy (2010).

### **g) Recommendation**

I Planning Permission BE GRANTED subject to the following conditions:

- 1) 3 year time commencement
- 2) Approved plans
- 3) Materials to match samples submitted on 25 February 2019.

- 4) The flood mitigation measures recommended in FRA shall be implemented prior to the first occupation of the dwelling hereby permitted.
  - 5) Prior to the commencement of works, a scheme of archaeological works shall be submitted to and approved in writing by the LPA.
  - 6) The windows in the north and south facing elevations at first floor level shall be obscure glazed and fixed shut.
  - 7) Remove PD for extensions or new windows at first and second floor level.
  - 8) Remove PD to alter cladding or colour of south-facing elevation
  - 9) The railings to prevent access to the rear section of the flat roof shown on the approved plans at second floor level shall be provided prior to the first occupation of the dwelling hereby approved and retained thereafter. Access to the remainder of the flat roof shall be for maintenance purposes only.
  - 10) No development shall take place until details of site drainage works for the disposal of the site's surface water, designed in accordance with the principles of sustainable urban drainage, have been submitted to and approved in writing by the local planning authority. The approved details shall be carried out before the dwelling is first occupied and the works shall be carried out and thereafter maintained in accordance with those details.
- II Powers be delegated to the Head of Planning, 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