

- a) **DOV/19/00455 – Erection of detached dwelling, garage, formation of vehicular access and associated parking - 18 Malvern Meadow, Temple Ewell**

Reason for report – Number of third party contrary representations (7)

- b) **Summary of Recommendation**

Grant permission.

- c) **Planning Policies and Guidance**

Statute

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

- DM1 – Settlement boundaries.
- DM13 – Parking provision.
- DM15 – Protection of the countryside.
- DM16 – Landscape character.

Saved Dover District Local Plan (2002) policies

None applicable.

National Planning Policy Framework (NPPF) (2019)

2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect

current and future needs and support communities' health, social and cultural well-being; and

- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

11. Plans and decisions should apply a presumption in favour of sustainable development...

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

124. 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. Being clear about design expectations, and how these will be tested, is essential for achieving this...

127. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Other Considerations

Adjacent to local wildlife site – DO41 – Temple Ewell and Lydden Downland.

d) **Relevant Planning History**

None relevant.

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

KCC Archaeology – No objection, subject to condition:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Southern Water – No objection – Comments that a formal application for connection to the sewer network is required.

Kent Wildlife Trust – No comment received.

Temple Ewell Parish Council – Objects – Temple Ewell Parish Council understands the national need for additional housing, however brownfield sites should be prioritised rather than allowing additional development where the density of properties becomes greater and out of character with the surrounding area. This proposal will mean a considerable loss of light to the existing property at No. 18 and appear to involve the removal of a number of mature trees, which will have an adverse effect on the environment.

Public comments – 7 x objections

Objections

- Impact on number 18 and proximity to both 18 and 20. Outlook and aspect from windows.
- Originally proposed change of use of countryside to residential garden.
- Malvern Meadow is narrow.
- Surface water drainage issues.
- Would look odd in the street and is over-development.
- Out of character with original layout of road.
- Construction impact.
- Trees removed prior to application being submitted.
- Concern about precedent being created.

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

1.1. The Site

The site is located on the north eastern side of Malvern Meadow, a residential street in Temple Ewell and set on a valley slope above London Road on its north eastern side. The site comprises the current curtilage to 18 Malvern Meadow – a semi-detached dwelling, including its side garden, which is set to the north west of the dwelling.

1.2. Malvern Meadow rises from south east to north west and south west to north east. The layout of residential properties on the north east side of this street is reasonably loose with a low density pattern of dwellings and spaces in between. Dwellings are set back from the highway.

1.3. To the rear (north east) of the site is a local wildlife site and open countryside. The rear boundary of the site coincides with the extent of the Dover urban boundary at this location. On the south western side of the road, dwellings are somewhat closer knit and set closer to the road edge. Malvern Meadow has undergone incremental development, including the formation of car parking spaces and garages at the road edge, which has eroded some of the prevailing green character with an intermittent engineered appearance.

1.4. Neighbouring the site to the north west is 20 Malvern Meadow, which is being extended to occupy the width of its plot, with the erection of a garage close to the edge of the road. Opposite the site on the south western side of the road is 15 Malvern Meadow.

1.5. Site dimensions are approximately:

- Depth – 33 metres.
- Width (all of site) – 19 metres
- Width (proposed development area) – 11.5 metres.

1.6. Proposed Development

The proposed development comprises the erection of a single dwelling in the side (north west) garden of 18 Malvern Meadow. The dwelling would incorporate four bedrooms and be set on a terrace above street level. The front (south west) part of the site would include an integrated garage, retaining wall, off street parking space and steps up to the entrance of the dwelling.

- 1.7. The dwelling would have a simple form with pitched roof, front and rear gables, a timber clad first floor and a brick and flint ground floor. It would incorporate front and rear paved terraces. Seen from the street, the dwelling would occupy the space between 18 and 20 Malvern Meadow. It would be erected such that there would be a step down from 20 to the new dwelling and a step down from the new dwelling to 18.
- 1.8. Dimensions of the proposed building are:
- Depth – 14.8 metres.
 - Width – 8.9 metres.
 - Eaves height – 3.9 metres.
 - Ridge height – 7.2 metres.
 - Terrace height – 2.6 metres.
 - Set back from highway – 14.5 metres.
 - Garage – 3.8 metres wide x 6.8 metres deep, set back from highway 5.3 metres
- 1.9. The proposed development would also include provision of replacement parking for 18 Malvern Meadow.
- 1.10. Plans will be on display.

2. Main Issues

- 2.1. The main issues to consider are:
- Principle of development.
 - Design, street scene and visual amenity.
 - Residential amenity.
 - Highways and traffic impact.
 - Ecology and trees.
 - Highways and access.
 - Other matters.

Assessment

2.2. Principle of Development

The proposed dwelling is located within the Dover urban boundary and is accordingly considered to be acceptable in principle, subject to its design and any material considerations.

2.3. Design, Street Scene and Visual Amenity

The design of the dwelling is considered to be acceptable. The proportion of windows and openings is considered to relate well to the dwelling as a whole. Taken together with the arrangements for the proposed garage, which would incorporate a green roof, and the general arrangement of the proposal when seen from the street, there is not considered to be undue harm that would arise from the proposal.

- 2.4. How the design then relates within its context is a more considered point. Looking at the road as a whole, and particularly on its north eastern side, it is clear that development at this location originally followed a loose, alternating pattern of semi detached pair, detached single, semi detached pair, and so on. Each of the dwellings, be they the semi detached pairs or the detached singles, had substantial garden space, which in turn affords views from the street to the countryside beyond, helping to reinforce the sense of place.
- 2.5. The proposed dwelling would step outside of this character, filling a gap and developing garden space. Therefore, if permission is to be granted, careful consideration of this particular impact is necessary. Notably, number 20, to the north west has been extended such that the dwelling now fills the width of its plot, which means that were permission granted there is the risk that a terracing effect might be created comprised of 20, the new dwelling, 18 and 16 (a semi detached pair).
- 2.6. It is not the case that pre set street patterns need to be followed in perpetuity, however, and in this instance, it is considered that the topography of the site and street, the set back of the dwellings and the eclectic design nature of the location, ultimately would assist with making the proposal acceptable. From number 20 travelling south east, the buildings would be seen to step down to the new dwelling and again to numbers 18 and 16.
- 2.7. Notably also, is the fact that while there may have been a prevailing character when the road was first developed, incremental changes as time has passed, including dormer extensions, the creation of engineered parking spaces including retaining walls and the erection of garages adjacent or near to the street, means that this is no longer considered to be as strong as it might once have been.
- 2.8. All of this taken together with having walked up and down the street, it is not considered to be the case that were permission granted, the dwelling would appear particularly incongruous within the street scene and would sit comfortably within the site.
- 2.9. Policies DM15 and DM16 manage the impact of development on the countryside and landscape character respectively. However, where it is considered that there is not an adverse impact, or harm, arising from the proposal, the criteria/requirements of the policy do not apply. In this case, and for the reasons assessed above, the proposal is considered not to create harm in the wider countryside/landscape context and as such, is considered to be in accordance with these policies.
- 2.10. Residential Amenity

Concerns have been raised regarding the proximity of the proposed dwelling to numbers 20 and 18. The distance from number 20 to the new dwelling would be 3.8 metres, and the distance from number 18 to the new dwelling would be 2.7 metres. It is accepted that if permission is granted the dwelling would be sited in close proximity to both neighbouring dwellings, and their side facing windows. In relation to each dwelling, the considerations are as follows:

- 2.11. 20 Malvern Meadow – The extended dwelling, number 20, comprises a kitchen window and living room window at ground floor and two secondary bedroom windows and a bathroom window at first floor. The most significant impacts would be felt at ground floor level. Intervening between the site and number 20 is an existing hedge which means that views from the side of the dwelling are

already obstructed to a degree. It is not clear who owns the hedge, but were it removed, or if it were to die, then it is not considered that the proximity of the proposed dwelling to these windows would result in harm significant enough to warrant refusal, particularly given that at this location, the key aspect of dwellings is their orientation to take advantage of views across the valley from their front elevations i.e. to the south west. Views to the south east are ultimately across neighbouring land and this is not a material consideration in decision making. Where assessing the aspect of these side windows, the proposed street scene elevation indicates that the pitch of the proposed roof would allow daylight to enter the kitchen of number 20, which under approved drawings for its extension, is shown as an open plan space linked to a living room and dining room with full height windows i.e. substantial enough that light should still be able to penetrate to all areas of the room. While there would be a wall in close proximity on one side of the dwelling, any sense of overbearing should be relieved by the otherwise open nature of the design. A condition would be imposed to require side windows facing number 20 to be obscure glazed and non-opening up to 1.7 metres above internal finished floor level.

2.12. 18 Malvern Meadow – Perhaps of more concern is the side facing dormer window of number 18. This window currently looks into its own garden and accordingly has been developed with the whole site in mind, regardless of its own aesthetics. The concern is that where there would be a step down from the new dwelling to number 18, this would ultimately mean that the side dormer window, which appears to serve a bedroom, would be facing directly at the ground floor brick wall and stairwell windows of the new dwelling, albeit with an intervening boundary treatment. Having noted that the primary windows in any case do face towards the view across the valley, this room does only have this window. The counter point, which in this case is considered to make the proposal acceptable on balance, is that this window is a bedroom window only, rather than being for a more general purpose living room, which could be expected to be occupied throughout a typical day. Also of note is that the applicant does own this dwelling. Were number 18 to be sold on, there is a case that it would be a buyer beware situation, with any purchaser having knowledge of the proposed/erected dwelling next door. A condition would be imposed to require side windows facing number 18 to be obscure glazed and non-opening up to 1.7 metres above internal finished floor level.

2.13. 15 Malvern Meadow – It is not considered, given the existing nature of development on this road, that the occupants at number 15, opposite, would be harmed by the proposal.

2.14. Accordingly, the proposed development is considered, on balance, to be acceptable in residential amenity terms.

2.15. Ecology and Trees

Local Wildlife Site

Local wildlife site (LWS) reference DO41 – Temple Ewell and Lydden Downland is located to the rear of the site. Originally, the application was made to change the use of some of this land and incorporate it into the rear garden of the proposal. Following the submission of an ecological survey, it has been noted that some of the broad leafed woodland in the LWS has been recently felled, with the commentary stating the following:

2.16. *If at all possible, avoid further works and disturbance to this area of the Lydden*

Downland LWS and allow it to naturally recover its woodland-edge characteristics. If this cannot be done, then consultation with Kent Wildlife Trust and Dover District Council should be carried out in order to identify and agree suitable landscape design and management, and/or habitat compensation for loss of LWS habitat.

- 2.17. Accordingly the part of the LWS that was within the application site has now been excluded. In reference to the rest of the site, which forms the side garden to number 18, this has been noted as “poor semi-improved grassland”. A landscaping condition is proposed that will ensure details of appropriate fencing are submitted and approved by the local planning authority before this is erected. Any such condition would also ensure its maintenance.
- 2.18. The Conservation of Habitats and Species Regulations 2017
Regulation 63: Appropriate Assessment
- 2.19. 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.
- 2.20. 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.
- 2.21. 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.
- 2.22. 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.
- 2.23. Given the limited scale of the development proposed by this application, a contribution towards the Council’s Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the council will draw on existing resources to fully implement the agreed Strategy.
- 2.24. 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.

2.25. Ecological Matters

Subject to the site specific survey and landscaping condition, as well as matters identified in the appropriate assessment, the ecological aspects of the proposal are considered to be acceptable.

2.26. Highways and Access

The site already benefits from an access on to Malvern Meadow. A further access would need to be created for number 18 were the permission granted, so that replacement parking could be provided to the front of that dwelling. Details of these works would be required through planning condition.

2.27. In terms of parking spaces, in this location, the new dwelling would require two independently accessible parking spaces and the same is likely true for the replacement parking. There is sufficient space available to provide this parking, even without a condition specifying that the garage is used for parking (KCC Highways does not count garages as parking spaces due to the likelihood that they will also be used for storage and other purposes).

2.28. Accordingly, given that the road is unclassified and lightly used, a severe impact in highway terms is unlikely, and this aspect of the proposal is considered to be acceptable.

2.29. Other Matters

Amended Drawings

During the course of the application, amended drawings have been submitted which show the extent of the rear garden being restricted to the existing curtilage of number 18 and not requiring the change of use of the LWS. In addition, new drawings also show the replacement parking to the front of number 18. The decision was made not to re-advertise these drawings due to the change in boundary representing a benefit, which would not unduly disadvantage or prejudice any interests. The formation of an access and parking is included within the original description of the application and in any case, these works could be undertaken as permitted development outside of this application.

3. Sustainability and Conclusion

3.1 The proposal is considered to be in accordance with development plan policy, nevertheless, it is considered prudent to also consider the proposal in the context of the presumption in favour of sustainable development and the roles which comprise this. The three roles of the planning system in delivering sustainable development are the economic role, the social role and the environmental role.

3.2 Economic - The erection of a single dwelling would bring a time-limited economic benefit in terms of the construction contract. Dependent on where the new residents lived previously, there is also the potential that they may add to the local economy in terms of everyday activities.

3.3 Social - Dover is a densely populated area, of which Temple Ewell forms one of the outer lying settlements. While new residents would only represent a small percentage of the existing population, they would nevertheless play some part in the community. The erection of a dwelling is also considered to be a benefit in terms of its contribution to meeting the objectively assessed housing need for the

district.

- 3.4 In terms of its impact on the residential amenity of neighbours, this is an on balance consideration, however, the circumstances are such that these matters can be addressed to an acceptable degree.
- 3.5 Environmental - The proposed dwelling is located within the urban boundary and such its development is already considered to be acceptable in principle, subject to its details. Where the proposal originally was to incorporate part of an LWS into garden land, this is no longer the case and the arrangement of residential curtilage adjacent to the LWS is not unusual at this location.
- 3.6 In terms of the visual amenity of the street scene, the proposal would alter the character of the street, however, it is considered that on balance, and with regard to historical context and the incremental nature of change that has already occurred in Malvern Meadow, the proposed dwelling could be accommodated without this resulting in undue harm to the street scene.
- 3.7 The presumption in favour of sustainable development requires that permission is granted unless the adverse impacts significantly and demonstrably outweigh the benefits. Having considered all of the issues above, it is not considered that this is the case and therefore, the recommendation is to grant permission.

g) **Recommendation**

- I. Planning permission be GRANTED, subject to conditions, including the following:
 - (1) Time
 - (2) Plans
 - (3) Materials
 - (4) Landscaping plan, hard and soft, means of enclosure
 - (5) Details of earthworks
 - (6) Sections and thresholds
 - (7) Parking to be provided, retained
 - (8) Details of replacement parking and provision
 - (9) Access gradient
 - (10) Bound surface
 - (11) No surface water onto the highway
 - (12) Surface water drainage scheme
 - (13) Cycle parking
 - (14) Refuse storage
 - (15) Obscure glazing – flank elevations
 - (16) Remove PD rights – A, B, C, D, E
 - (17) Archaeology
 - (18) Construction management plan
- II. That 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

Darren Bridgett