

- a) **DOV/19/00848 – Erection of a detached dwelling (existing bungalow to be demolished) - The Haven, Deal Road, Sandwich**

Reason for report – Number of contrary views (19 + Sandwich Town Council)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy Policies (2010)

CP1 – Settlement Hierarchy

DM1 – Settlement Boundaries

DM11 – Location of Development and Managing Travel Demand

DM13 – Parking Provision

National Planning Policy Framework (NPPF) (2019)

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 8 identifies the three overarching objectives of the planning system in relation to the aim of achieving sustainable development; an economic, social and environmental objective.

Paragraph 11 states that decision making should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up to date development plan or where there are no relevant development plan policies or the policies are out of date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole.

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.

National Planning Practice Guidance

National Design Guide (2019)

Kent Design Guide (2005)

The guide provides criteria and advice on providing well designed development, emphasising that context should form part of the decision making around design.

Kent and Medway Structure Plan (2006) - SPG4 Kent Vehicle Parking Standards

d) **Relevant Planning History**

There is no relevant planning history for the site.

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

Representations can be found in full in the online planning file. A summary has been provided below:

KCC Highways and Transportation – The proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements (suggests informatives included at end of report).

Sandwich Town Council – recommend refusal due to 1) the impact on the street scene, the proposal being incongruous to the surroundings, 2) the overshadowing/loss of outlook, loss of sunlight and loss of privacy that will affect the neighbours, and 3) the size of the proposal not being suitable for the plot. The developer should engage with the neighbours on a suitable plan for this site.

Public Representations:

19 members of the public have objected to the proposals (as of 23rd October 2019) and the material considerations are summarised below. Matters such as impact on an individuals' property value are non-material considerations and are not included below.

- Inaccuracies in drawings in relation to distances to adjacent dwellings
- Loss of privacy/ overlooking
- Impact on security (due to replacement of fence)
- Siting of dwelling - Positioning of development contradicts 45 degree line & projects beyond the rear build line of other houses
- Design & appearance of dwelling - is incongruous, dominating and overbearing, visual impact will have a negative effect on the character of the immediate neighbourhood. Size and materials of building do not fit with character of the area
- Loss of outlook & overbearing
- Contravenes Article 1 and Article 8 of the Human Rights Act
- Overshadowing/loss of daylight and sunlight
- Conflicts with Section 3.38 and 3.39 of the Core Strategy
- Electricity supply

- Traffic, parking and deliveries during the construction period, especially by not demolishing the existing bungalow first
- Harm to highways & pedestrian safety (Secondary school nearby site)
- Overdevelopment of the site
- Hazardous materials – asbestos in existing bungalow
- Removal of trees prior to submission (in apparent contravention with the Wildlife and Countryside Act 1981) and associated impact on wildlife
- Concerns regarding recently constructed outbuilding/summerhouse in garden of site
- Amended plans are not significantly different from original proposals and issues raised by concerned parties are not properly addressed. Neighbours have not been consulted on revised scheme.
- Design and access statement has not been updated and proposed materials to be used vary on plans and elevations
- Numerous suggestions to demolish the existing bungalow first and re-position the proposed dwelling closer to the existing footprint

10 representations in support have been received and are summarised below.

- Will improve/enhance visual appearance of the area
- Proposal is in keeping with character of many houses in the area
- Current property is in poor condition/unsightly
- Beneficial to have a property for a larger family
- Larger parking area will improve road safety as current owners have to reverse from a busy road onto their drive

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

1.1 The application site relates to a detached bungalow located on the east side of Dover Road, Sandwich. The site is flat and the bungalow is finished in red brick with a tiled gable roof and white timber framed windows. To the north side of the dwelling is a detached garage and to the front of this is an informal driveway with space to park two vehicles.

1.2 The character of this section of Dover Road is varied, containing predominantly two storey detached dwellings. Most are finished in brick, with some having sections of render or cladding. With the exception of Ryarsh, directly to the north of the site, all other properties on this side of the road at this section of Dover Road have shallow front gardens with no off-street parking. Ryarsh, to the north is a 1 ½ storey detached dwelling set back from the public highway, with a parking area to the front. The site is also bounded by Southview to the south and to the rear (east) is a large non-residential building (Tel Ex).

1.3 This application seeks permission for the erection of a detached dwelling (Existing bungalow to be demolished). The design and appearance of the dwelling has been amended from that originally proposed, with the building moved approximately 0.5m towards the west, the depth of the dwelling reduced by approximately 0.95m and the depth of the garage reduced by approximately 1.7m. The dwelling was originally proposed to be finished in grey composite wood effect cladding and had a gable roof. The revised proposals have been re-advertised and subject to further consultation. Following this, the proposed elevations were updated to correct errors in the material list, however this remains as shown on the annotations and therefore the public are not considered to have been prejudiced by not being consulted on this amendment.

- 1.4 The proposed detached dwelling would be two storeys in height and would contain 4 bedrooms. It would be finished in light coloured render with a brick base, white composite windows and doors, a slate (side to side) gable roof with hipped ends and would have an attached garage to the south side with a part hipped and part flat roof. The dwelling would be set back from the public highway by approximately 11m and would have a driveway to the front and side. There would be no change to the existing vehicular access to the site. The dwelling would measure approximately 9.8m in width and 9.4m in depth and would have an eaves height of approximately 5.25m and ridge of 8m. The garage would measure approximately 3.2m in width and 7.65m in depth and would have an eaves height of approximately 2.8m and ridge height of approximately 3.95m.

2. Main Issues

- 2.1 The main issues for consideration are:
- The principle of the development
 - The impact on the character and appearance of the area
 - The impact on residential amenity

Assessment

Principle of Development

- 2.2 The site lies within the settlement confines identified in Policy DM1 and accords with the aims and objectives of the NPPF. It is therefore considered that the principle of a replacement dwelling is acceptable in this location, subject to site specific considerations.

Impact on Character and Appearance of Street Scene

- 2.3 The site is located towards the edge of the settlement confines of Sandwich and the surrounding area is predominantly residential. The character of the street scene in this section of Deal Road is varied, comprising a range of materials and architectural styles, although dwellings are predominantly detached and two storeys in height. The character of the street scene changes towards the north of the site where the road bends towards the east and the site is no longer visible.
- 2.4 The proposed dwelling would be finished in light coloured render with a brick base, white composite windows and a slate roof with hipped ends. There are three other properties within this section of Deal Road which are finished in render and it is therefore considered that the use of this material would not be out of keeping with the character of the area. Properties on this side of Deal Road predominantly feature pyramid shaped roofs, with the exception being Ryarsh, located directly adjacent to the site, which has a brown tiled gable roof (side to side ridge) with barn hipped ends. The proposed roof would be finished in slate which would be visually similar to the tiles of other surrounding roofs and would incorporate hipped ends similar to those of the adjacent dwelling. The design of the roof is considered to lessen the visual impact of the dwelling, such that it would be unlikely to dominate or detract from the character of the street scene. The proposed garage, which would have a hipped roof, would be sited to the south side of the proposed dwelling. Due to its siting, scale and design, this would be subservient to the main dwelling and would create a visual gap at first floor level between the proposed dwelling and Southview (to the south), similar to the

gap between Ryarsh (to the north) and the proposed dwelling. Furthermore, as part of the proposals, low level shrubs and sections of grassed lawn would be planted to the front of the proposed concrete paved driveway, with sections of 1.2m high close board panel fence erected on either side of the front driveway. It is considered that this landscaping would soften the visual impact of the dwelling when viewed within the wider street scene and a condition for details of landscaping to be submitted is suggested in the interests of visual amenity. On balance therefore, it is considered that the proposed development would preserve the character and appearance of the street scene in accordance with Paragraph 127 of the NPPF.

Impact on Residential Amenity

- 2.5 The proposals would be directly visible from a number of surrounding properties and the impact on residential amenity is discussed as follows:

Southview

- 2.6 Located to the south of the site, this two-storey detached dwelling has several windows from which the proposed dwelling would be directly visible. The exact internal configuration of the property is not known, however the dwelling has a single storey rear extension with windows on the rear elevation and rooflight windows on both roof slopes, which are considered likely to serve a dining/living room. There is also an obscure glazed window on the flank elevation of the extension (facing the site) which is believed to serve a WC and another window, set approximately halfway along this elevation which is believed to serve a kitchen. At first floor level of the main dwelling, there is a window on the flank elevation which is believed to serve a staircase/landing and there are additional windows at first floor level on the rear elevation; the closest to the site serving a bathroom.
- 2.7 Due to the siting of the dwelling, entirely to the north of the neighbouring property, as well as the sun path, the development would be unlikely to result in overshadowing or significant loss of light to the residential amenities of the adjacent property.
- 2.8 The dwelling would be set back from the footprint of the existing bungalow such that it would project beyond the rear elevation of Southview. Whilst this would result in some harm to visual amenity, the proposed garage would be sited closest to Southview and would be a single storey in height with a hipped roof, which would be shallower in depth than the main dwelling. The two-storey dwelling would be set further from Southview and would be finished in light coloured render. Due to the design and appearance of the dwelling, as well as the staggered depths of the proposals, the development is considered, on balance, unlikely to have a significantly overbearing impact on the residential amenities of the adjacent occupiers.
- 2.9 With regard to impact on privacy, the proposed elevations show that the two first floor windows on the southeast elevation of the dwelling would be fitted with obscure glazing. These windows would serve a bathroom and en-suite bathroom (non-habitable rooms) which would be used sporadically, rather than for prolonged periods of time. Nonetheless, in the interests of the privacy of the adjacent occupiers, a condition is suggested to ensure that these windows be fitted with obscured glazing and be non-opening below 1.7m from the internal

floor level. The proposed dwelling would also feature windows on the rear elevation at ground and first floor level. Whilst the upper floor windows (which would serve bedrooms) would afford occupants some views across neighbouring gardens, the primary view would be the garden of the application site itself. On balance therefore, the proposals are considered unlikely to result in significant harm to the privacy and residential amenities of the occupiers of Southview in accordance with Paragraph 127 of the NPPF which relates to amenity.

Ryarsh

- 2.10 Located to the north of the application site, this detached two storey dwelling has no windows on the flank (south) elevation, however has windows on the front and rear elevations, as well as a glazed conservatory to the rear.
- 2.11 Due to the siting and design of the proposed dwelling, which would be almost aligned with Ryarsh, the proposals are considered unlikely to have a significantly overbearing impact on the residential amenities of the neighbouring property.
- 2.12 In respect of privacy, the proposed dwelling would have two windows and a door on the flank elevation, with the windows being fitted with obscured glazing. As stated above at section 2.9, a condition is suggested to secure the use of obscured glazing in the interests of privacy. The proposed dwelling would have windows at ground and first floor level on the rear elevation, where the primary outlook would be the rear garden of the application site. There would be some views across the neighbouring garden due to the elevated positioning of the windows, however this is on balance, considered unlikely to result in significant harm to the privacy of the adjacent occupants.
- 2.13 The proposed dwelling would be sited to the south of Ryarsh and would therefore result in shadow being cast towards this neighbouring property throughout the day. Through the mornings, the shadow would mostly fall on the flank elevation of the neighbouring dwelling, which has no windows and would therefore be unlikely to result in significant harm. However, during the afternoons and evening, the shadow would fall towards the rear half of the neighbouring dwelling and would result in some loss of light to the glazed rear conservatory. The level of shadow cast would be limited by the barn hipped ends of the gable roof, the distance between the two dwellings (approximately 5m) and the planting and vegetation as well as boundary fencing and vegetation which forms the dividing boundary. Furthermore, due to the hipped end of the roof and distance between the dwellings, some sunlight would fall between the two dwellings towards the conservatory during the evenings in the summer. Whilst the proposed dwelling would therefore result in some loss of light to the neighbouring property, on balance, this is considered not so significant to warrant refusal.

<u>Other</u>	<u>Nearby</u>	<u>Dwellings</u>
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- 2.14 The proposals would be visible from a number of other dwellings, particularly those to the south of the site. Whilst the first-floor windows of the proposal would provide some views across neighbouring gardens, the views would be of the rear-most part of these gardens, rather than the private garden areas immediately to the rear of the dwellings. As such, the development is considered unlikely to result in significant harm to the privacy of surrounding residents. Furthermore, due to the siting and scale of the proposals, the development would be unlikely to result in overshadowing or loss of light to other nearby properties. Whilst the proposal would be visible from the windows and gardens of other

properties, due to its design and appearance, it is considered unlikely to result in an overbearing impact on the residential amenities of nearby occupants and would accord with the objectives of Paragraph 127 of the NPPF in respect of impact on amenity.

Amenity of the Proposed Occupiers

- 2.15 The proposed dwelling, together with its individual rooms, would be of a good size and all habitable rooms would be naturally lit. It would be provided with a large private garden and areas which could be used for refuse storage and general amenity space. As such, the living conditions of future occupiers would be acceptable and would accord with paragraph 127 of the NPPF.

Other Material Considerations

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

- 2.16 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.
- 2.17 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.
- 2.18 Following consultation with Natural England, the identified pathway for such a likely 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.
- 2.19 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.
- 2.20 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). The applicant has agreed to fund this mitigation, which will be secured by a S106.
- 2.21 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant 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.

Other Matters

Impact on Parking/Highways

- 2.22 The proposals would involve the creation of a parking area to the front of the dwelling (on the site of the existing bungalow) which would provide space to park at least two vehicles. This would accord with the requirements of Policy DM13 – Parking Provision. Furthermore, an additional vehicle could be parked in the attached garage. No changes are proposed to the existing vehicular access to the site and as such, the development is considered unlikely to result in significant harm to highway safety.
- 2.23 The proposed dwelling would be constructed prior to the demolition of the existing bungalow. It is likely that builders' vehicles and delivery vehicles would need to park on the public highway and as such, this would result in increased parking pressure during the construction period. Furthermore, the proposed driveway could not be completed until the existing bungalow has been demolished and therefore it is likely the occupants would need to park on the public highway until this has been completed. No details of the proposed parking arrangements for construction vehicles, workers vehicles or delivery vehicle parking have been submitted and it is therefore considered appropriate to suggest that a condition for a construction management plan to be submitted is imposed.

Impact on Flood Risk

- 2.24 The application site is located in Flood Zones 1 and 2, with the proposed dwelling being located in Flood Zone 1, which has the lowest risk from flooding. No bedrooms or sleeping accommodation would be located on the ground floor level of the property and in line with the Environment Agency's standing advice for floor levels of dwellings in Flood Zone 2 to be 300mm above ground level, a condition for floor levels to be submitted prior to above ground development is suggested. Subject to this, the proposal is considered acceptable in this regard.

3. Conclusion

- 3.1 The application site is located within the settlement confines and the proposed erection of a dwelling is considered acceptable in principle in this location. The proposed dwelling, due to its scale, siting and design is considered to preserve the character and appearance of the street scene. On balance, the proposals are considered unlikely to result in significant harm to the residential amenities of the surrounding residents. Subject to the conditions suggested below, it is considered that, on balance, the proposed development would accord with the aims and objectives of the NPPF.

4. Recommendation

- I PERMISSION BE GRANTED subject to conditions:
(i) Standard time condition, (ii) list of approved plans (iii) samples of materials (iv) demolition of the existing bungalow within 1 month of the completion of the

new dwelling (v) details of soft and hard landscaping and schedule of planting (vi) submission of a construction management plan (vii) provision and retention of the parking area (viii) measures to prevent the discharge of surface water (ix) details of surface water disposal (x) removal of PD rights (Classes A, B and C) (xi) restricting PD rights for the insertion of windows on the flank elevations of the dwelling (xii) requiring windows on the flank elevations to be fitted with obscured glazing and be non-opening below 1.7m from internal floor level

II Informatives:

KCC Highways and Transportation
It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

III Powers to 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

Rachel Morgan