

a) **DOV/19/00856 – Erection of 2 detached dwellings and creation of a new vehicle access and parking - Land Rear of 56 Sandwich Road, Eythorne**

Reason for report – Number of contrary views (8 Public and Eythorne Parish Council)

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policy 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accord with an up to date development plan or where there are no relevant development plan policies or the policies are out of date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for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**

DOV/12/00532 – Outline application for the erection of a detached dwelling and garage – Granted

DOV/13/01097 – Erection of a two-storey side extension and alterations to existing vehicular access – Granted

DOV/18/00023 – Erection of two detached chalet bungalows and formation of vehicular access and associated parking – Refused – Appeal Dismissed

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

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

Eythorne Parish Council – wishes to object to this planning application for the following reasons: 1. The Council concludes that the 2 dwellings are still overbearing to the existing street scene. 2. The Velux windows will still allow for overlooking and loss of privacy to the gardens of the neighbouring properties of 50 and 54 Sandwich Road. The inspector appointed by the Secretary of State at appeal on the previous planning application (APP/X2220/W/18/3201519) concluded that both properties would be positioned in close proximity to the side boundary of 54 Sandwich Road.

Outlook from the proposed first floor bedrooms of both dwellings would be toward the rear private gardens of the adjoining properties of 50 to 54 Sandwich Road. Elevated overlooking would substantially reduce the adjoining occupiers' privacy and this would significantly diminish their enjoyment of the gardens. For this reason the proposed development would be harmful. The Velux windows will not significantly alleviate this issue. 3. The soakaway shown on the plans is not 5m away from existing buildings.

KCC Highways and Transportation – comment that as with the previous proposals the 2 metre x 33 metre visibility splay to the south of the access, approved under the previous outline consent, needs to be provided. However, it is not clear that this is available over land under the control of the applicant and/or the highway authority. Clarification is therefore required and the splay should be shown on the plans.

KCC Public Rights of Way - object to this application as there is no reference to the existence of Public Right of Way EE348 and how it will be affected by the proposal. I have concerns that it will be assumed parking is accepted on the public footpath, I also have concerns regarding how the construction of the properties will affect the surface of the footpath. Please could you also advise the applicant that the granting of planning permission confers on the developer no other permission or consent or right to close, obstruct or divert any Public Right of Way at any time without the express permission of the Highway Authority. (informatives included at point II of this report).

Southern Water - requires a formal application for a connection to the public foul sewer to be made by the applicant or developer (an informative is included at point II of this report).

DDC Waste – note that the developer intends to provide a bin store for each property – this is good practice but I cannot see where the stores will be located. As long as residents can present their bins at the boundary for collection I do not foresee any future problems collecting waste and recycling from these proposed properties.

Public Representations:

8 members of the public have objected to the proposals (as of 23rd December 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.

- Design – incongruous, overbearing & poorly related to appearance of surrounding properties, harm to visual amenity & character in the area, overdevelopment of site
- Loss of privacy (including perceived loss of privacy) & overlooking – Secretary of State supported that first floor windows on this elevation were unacceptable
- Overshadowing/loss of light
- Noise/disturbance
- Concerns regarding proximity to boundary of neighbouring garden/property & some neighbouring outbuildings not shown on plans
- Concerns regarding parking provision, size of parking spaces and width of access (and need to remove hedge/trees)
- Concerns regarding highways safety (particularly visibility during peak times, several accidents in the area & access opposite crossroads)
- Queries soakaway location in respect of building regulations
- Concerns over capacity of sewers
- Boundary/land ownership disputes & possible future disputes regarding neighbouring log burner
- Concerns regarding cycle storage and recycling provision
- Previous planning history for 1 bungalow
- Complaints regarding location of site notice

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

1.1 The application site relates to an empty plot of land located on the west side of Sandwich Road. The site slopes gently downwards towards the west and is bounded by tall hedgerow to the north, which separates it from New Road. New Road is a largely unmade road providing vehicular access to a number of terraced dwellings and detached bungalows and also forms the route of Public Footpath EE348. The site is bounded by No. 56 Eythorne Road to the southeast, No. 54 Eythorne Road to the south and No. 1 New Road to the west.

- 1.2 This application seeks permission for the erection of two detached bungalows and associated access and parking. The design of the 1 ½ storey dwellings has been amended and re-advertised accordingly (with site notices posted on Sandwich Road and in New Road). The dwellings would face New Street and would have gable roofs, with barn hipped ends, a single storey front projection with a hipped roof and above this, a first-floor projection with a gable roof. Both dwellings would be identical in design and scale and would be finished in red brick, a brown tiled roof, white rendered dormer window and projecting gable end and white uPVC windows and doors. The dwellings would measure approximately 9.4m in width and 8.19m in depth and would have an eaves height of 2.85m and 5.2m and ridge height of 6.245m from ground level.
- 1.3 Each dwelling would contain three bedrooms and would have an open-plan lounge/kitchen/dining room at ground floor level, opening out to the rear gardens. The dwellings would have two parking spaces and the vehicular access to the site would be from Eythorne Road, adjacent to the access to New Road. There would be two electrical vehicle charging points for each dwelling and the dwellings would be built using sustainable construction methods with materials sourced from sustainable sources. Furthermore, rainwater collection butts would be installed and it is proposed that the thermal properties of the build would exceed the current minimum Building Control requirements stated in Part L.

## **2. Main Issues**

2.1 The main issues for consideration are:

- The principle of the development
- Planning history of the site
- 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, which accord with the aims and objectives of the NPPF. It is therefore considered that the principle of the development is acceptable in this location, subject to site specific considerations.

#### Planning History of the Site

2.3 The most relevant planning history to the site is application DOV/18/00023, for the erection of two detached chalet bungalows and formation of vehicular access and associated parking. The chalet bungalows measured approximately 9.95m in width, 9m in depth and 6m in height and featured large dormer windows on the rear (south) elevation with flat roofs, and smaller, narrower dormer windows with hipped roofs on the front elevation, serving bedrooms. The chalet bungalows would have been finished in cream render with grey slate roofs and cladding on the eaves and gable ends.

2.4 This application was refused and the decision upheld at appeal. The reasons for refusal were:

1. The proposed buildings by reason of their design, appearance and prominence would comprise an incongruous form of development which would be poorly related to the form and appearance of surrounding and adjacent properties and would be out of keeping with the quality and visual amenity of the street scene, harmful to the character and appearance of the area, contrary to Paragraphs 56-59, 61 and 64 of the National Planning Policy Framework.
  2. The dormer windows in the upper floor of the front elevation of House Plot B and in the upper floor of the rear elevation of House Plot A would give rise to a significant level of overlooking and an unacceptable loss of privacy for the occupiers of 'Greenlands' in New Road and Nos. 50-54 Sandwich Road which would harm their living conditions and the reasonable enjoyment of their residential properties, contrary to Paragraph 17 of the National Planning Policy Framework.
- 2.5 The Inspector's appeal decision sets out further consideration of the key points of the application. The Inspector considered that the "Outlook from the proposed first floor bedrooms of both dwellings would be toward the rear private gardens of the adjoining properties of 50 to 54 Sandwich Road. Elevated overlooking would substantially reduce the adjoining occupiers' privacy and this would significantly diminish their enjoyment of the gardens" and would result in harm. Furthermore, the Inspector stated that "the rear roof dormer would host a significant number of windows at an elevated position within close proximity to the outdoor living spaces of the existing dwellings of 50 to 54 Sandwich Road. Whether actual observation takes place or not, the occupiers of these properties are extremely likely to experience the perception of being observed. This would significantly diminish the adjoining occupiers' enjoyment of their gardens".
- 2.6 In respect of the impact on Greenlands (on the north side of New Road), the Inspector found that due to the "proposed dormer design and internal layout, in order to gain any clear view of Greenlands it would be necessary to stand within very close proximity to the dormer windows and within the dormer roof projections. Whilst it is possible that such overlooking could take place from time-to-time, such views would need to be actively sought. Therefore, I do not consider this would be a regular occurrence from the normal day-to-day use of the first floor bedrooms". They therefore considered the dormer windows "would not lead to unacceptable harm to the living conditions of the occupiers of Greenlands".
- 2.7 In considering the impact of the proposals on the character and appearance of the area, they stated that "that there is a mix of property types within the wider area that includes some chalet style bungalows. Taking into account the mixed character of properties in New Road and the wider area, I do not consider that two chalet style bungalows at the appeal site would appear appreciably out of keeping". Furthermore, they found that "the chalet bungalows would overall be of modest size and height. Although the dwellings would have large roofscapes, the roof dormers would add interest that would visually break up the roofscapes. I do not consider the chalet bungalow roofs would appear unduly disproportionate or visually conspicuous within this streetscene given its mixed character and appearance". Consequently, they concluded that the development would not harm the character and appearance of the area.
- 2.8 The current proposals have removed the large dormer windows from the rear elevation and replaced these with two high level sun tunnels serving en-suite bathrooms (a condition for these to be fitted with obscure glazing is suggested). There would be one dormer window on the front roof slope (similar in size to the

dormers of the previous application), and a larger gable projection, both serving bedrooms. The design of the projecting gable has been amended to set it back from the projecting ground floor level, in order to reduce the visual impact on the street scene and on the dwellings to the north of the site. This has been re-advertised accordingly and the impact of the proposed scheme is considered below.

#### Impact on the Character and Appearance of the Street Scene

- 2.9 The site is located within the village confines, in a predominantly residential area. Sandwich Road comprises a mix of two storey detached and semi-detached dwellings, as well as bungalows. There are a variety of styles and materials, including render, painted brickwork and predominantly red coloured brick with tiled hipped or gabled roofs. New Road comprises a row of two storey terraced dwellings on the southern site and several detached bungalows on the northern side. Again, these are finished in a range of materials.
- 2.10 The proposed dwellings would be finished in brick at ground floor level, with cream coloured render on the front dormer window, front gable projection and side gable ends and would have brown tiled roofs. As such, the chalet bungalows would be in keeping with the materials of other dwellings in the street scene. As mentioned at Paragraph 2.9, the design of the front gable projection has been amended to reduce the depth at first floor level, lessening the visual impact on the character of the street scene. Furthermore, the existing hedge forming the northern site boundary with New Road would be retained and would provide some screening of the site from New Road and Eythorne Road, as well as from the Public Right of Way (EE348). In the interests of visual amenity, it is considered appropriate to recommend that conditions requiring samples of materials and section details of the rear sun tunnels are submitted and that a condition requiring the retention of the hedgerow forming the northern boundary
- 2.11 Consequently, the design, siting and scale of the proposals are considered to preserve the varied character and appearance of the streetscene in accordance with Paragraph 127 of the NPPF.

#### Impact on Residential Amenity

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

##### *56 Sandwich Road*

- 2.13 Located to the east of the site, this two-storey detached dwelling has several windows on the rear elevation from which the proposed dwellings would be visible. An approximately 1.8m timber featheredged fence would form the boundary between the site and the garden of this property and the proposed dwellings would have no windows on the flank elevation. As such, the development is considered unlikely to result in undue harm to privacy. Due to the separation distance between the dwellings and limited height of the proposal, the development is also considered unlikely to result in significant overshadowing or overbearing impact on the residential amenities of the adjacent occupiers and would accord with Paragraph 127 of the NPPF in respect of amenity impact.

##### *54 Sandwich Road*

- 2.14 Located to the southeast of the site, this two storey dwelling has a number of windows on the rear elevation from which the proposals would be visible. Furthermore, the deep garden of this property directly bounds the application site. A 1.8m timber feathered edge fence would be installed along this boundary and would preserve the privacy of the neighbouring occupants at ground floor level. Concerns have been raised with regard to loss of privacy from the first-floor openings of the proposed dwellings. The proposed light tubes, which would serve an en-suite and a bathroom (non-habitable rooms) would be set at least 1.8m above the internal floor level, such that views across neighbouring gardens would not be readily visible. Nonetheless, a condition for section drawings and requiring these light tubes to be fitted with obscure glazing is suggested. Consequently, whilst neighbouring occupiers may experience some perceived overlooking, the development would result in no actual harm to privacy. The proposed dwellings would be entirely to the north of this neighbouring property and therefore due to the sun path, would result in no overshadowing to neighbouring amenity. Due to the design and appearance of the proposed dwellings, the development is also considered unlikely to result in an unduly overbearing impact on the residential amenity of the adjacent occupiers. Consequently, it is considered that the proposal would accord with Paragraph 127 of the NPPF in respect of amenity and overcomes the previous reasons for refusal (in respect of loss of privacy)

*50–52 Sandwich Road*

- 2.15 Located to the southeast of the site, these dwellings are in excess of 15m from the nearest proposed dwelling, although the development would be directly visible from the gardens of these properties. Due to the design of the proposals, as well as separation distance, the development is considered unlikely to result in an unduly overbearing impact on residential amenity. Furthermore, due to the sun path and separation distance, the development would result in no loss of light or overshadowing to the neighbouring amenity. Whilst residents may experience some perceived overlooking, the proposed first floor level light tubes, due to their high level (as well as the suggested condition for their fitting with obscured glazing) would preserve the privacy of the nearby residents. As such, it is considered that the proposals overcome the previous reasons for refusal (in respect of loss of privacy) and would accord with Paragraph 127 of the NPPF.

*60 Sandwich Road*

- 2.16 Located to the northeast of the site, on the opposite side of New Road, this two-storey detached dwelling is sited approximately 19m from the nearest proposed chalet bungalow. No. 60 has no windows on the flank elevation, however there are several windows on the rear elevation from which the proposals would be visible. Due to the separation distance between the dwellings, the development is considered unlikely to result in an unduly overbearing impact on residential amenity. For the same reasons, the development is also considered unlikely to result in overshadowing to the neighbouring property. Whilst there would be some views across the site and New Road towards the neighbouring garden, due to the separation distance and boundary hedge (for which a condition is suggested for its retention), the development is considered unlikely to result in undue harm to the privacy of the nearby residents in accordance with Paragraph 127 of the NPPF.

*1 New Road*

- 2.17 Located to the west of the site, this two-storey end of terrace dwelling is separated from the site in part by an approximately 1.8m close boarded fence. It has a driveway to the east side and to the rear is a two-storey projection, with a conservatory beyond this. The dwelling has a number of windows on the rear elevation, on the flank elevation of the two-storey rear projection and the glazed conservatory. There would be a distance of approximately 5.5m between the closest proposed chalet bungalow and the flank elevation of the neighbouring dwelling (which has a single door only and does not contain any windows). Whilst the proposals would be visible from the neighbouring dwelling, due to their design and appearance, they are considered unlikely to result in a significantly overbearing impact on residential amenity. The proposed chalet bungalows would contain no windows on the flank elevation facing the neighbouring property and windows on the rear elevation would be at ground floor level only, overlooking the garden of the application site. The proposed sun tubes on the rear elevation would be obscured glazed (to be secured by condition) and would be high level, preventing overlooking of neighbouring gardens. As such, the development is considered unlikely to result in undue harm to the privacy of the adjacent occupants. In respect of overshadowing, the chalet bungalows would cast shadow towards No. 1 New Road during the mornings. However, this would be limited by the barn hipped roof and separation distance between the dwellings. Furthermore, any shadow would likely fall on the driveway to the side of the neighbouring dwelling and would therefore be unlikely to result in significant harm to residential amenity. As such, it is considered the proposals would accord with Paragraph 127 of the NPPF in respect of impact on amenity.

*Greenlands, New Road*

- 2.18 Located to the north of the site, on the opposite side of New Road, this detached single storey bungalow has several windows on the front elevation, believed to serve bedrooms, from which the proposals would be visible. The existing boundary hedge fronting New Road would be retained and there would be a distance of approximately 11m between Greenlands and the nearest proposed dwelling.
- 2.19 Whilst the upper floor of the dwellings would be visible above the boundary hedge, due to the separation distance and design of the proposals, the development is considered unlikely to result in an unduly overbearing impact. Furthermore, due to the limited height of the proposed dwellings, as well as separation distance from Greenlands, the development is considered unlikely to result in significant overshadowing or loss of light to the neighbouring amenities.
- 2.20 In respect of privacy, the proposed dwellings would contain dormer windows within the upper level, serving bedrooms, as well as a velux window serving the staircase/landing. The previous scheme for the site (DOV/18/00023) which was refused, featured narrower dormer windows on the front roof slope which, due to the internal layout of the dwellings, were not considered to result in significant harm to privacy (as detailed in paragraph 2.7 of this committee report). The proposed dormers of this scheme would be the only windows to these bedrooms and due to the internal layout, residents would be more able to stand directly in front of the windows. As such, views towards Greenlands would be more readily available. However, there would be a good separation distance between the dwellings and the boundary hedge would provide some screening between the windows of the neighbouring properties. Given that the windows would serve bedrooms, which would be most used in the mornings and evenings and sporadically in the daytime, the development is considered unlikely to result in



unacceptable harm to the privacy of the nearby residents and would accord with Paragraph 127 of the NPPF in respect of amenity impact.

#### *Other Dwellings*

- 2.21 The proposals would be visible from a number of other dwellings, particularly those to the south of the site. However, due to the siting, scale and design of the proposals, the development is considered unlikely to result in undue harm to the residential amenities of other nearby occupants and would accord with the objectives of Paragraph 127 of the NPPF in respect of impact on amenity.

#### Amenity of Proposed Occupiers

- 2.22 The proposed dwellings would be of a good size and all habitable rooms would be naturally lit. It would be provided with south facing private garden and areas for recycling storage and enclosed cycle stores have been identified on the proposed site plan. As such, it is considered that the living conditions of future occupiers would be acceptable and would accord with paragraph 127 of the NPPF.

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

- 2.23 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.
- 2.24 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.
- 2.25 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.
- 2.26 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.
- 2.27 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.

- 2.28 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.

#### Impact on Parking/Highways

- 2.29 The proposed access to the site would be from Eythorne Road and would be adjacent to the access to New Road. This access would remain as shown in previous planning applications and would have good visibility along Sandwich Road in both directions. Furthermore, as the hedgerow bounding New Road does not extend to the edge of the highway, the visibility splay for New Road (which is also a Public Right of Way EE348) would be retained and occupants exiting the site would have good visibility of any residents exiting New Road. As such, it is considered that the proposals would be unlikely to result in undue harm to pedestrian and highways safety. Parking and turning areas would be provided within the site and both dwellings would have two parking spaces, which would accord with the parking provision requirements set out in Policy DM13. Furthermore, two electrical charging points for each dwelling would be installed.

#### Impact on Flood Risk

- 2.30 The application site is located in Flood Zone 1, which has the lowest risk from flooding and the development is therefore considered acceptable in this respect.

#### Surface Water/Drainage

- 2.31 The proposed site plan identifies that soakaways would be installed to deal with surface water and the application form indicates that foul sewage would be discharged to the mains sewer. Nonetheless, pre-commencement conditions are suggested for details of site drainage works for the disposal of surface water and a detailed scheme for the disposal of foul sewage are recommended to ensure satisfactory arrangements.

### **3. Conclusion**

- 3.1 The application site is located within the settlement confines and the proposed erection of 2no. detached dwellings, creation of a new vehicle access and parking is considered acceptable in principle in this location. The proposed dwellings, due to their siting, scale and design are considered to preserve the varied character and appearance of the street scene. Furthermore, the proposals are considered unlikely to result in undue harm to the residential amenities of surrounding residents. It is considered that the design of the proposed dwellings overcomes the previous reasons for refusal and, subject to the conditions suggested below, that the development would accord with the aims and objectives of the NPPF.

### **g) Recommendation**

- I PERMISSION BE GRANTED subject to conditions:

(i) Standard time condition, (ii) list of approved plans (iii) samples of materials (iv) pre-commencement construction management plan (v) pre-commencement details of measures to prevent discharge of surface water onto the highway from the access (vi) pre-commencement scheme for the disposal of foul sewage (vii) pre-commencement details of site drainage works for the disposal of surface water (viii) provision, surfacing and drainage and retention of vehicle parking space (ix) bound surface of first 5m of vehicle access (x) sectional drawings of light tubes which shall be obscure glazed and non-opening (xi) removal of permitted development rights for classes A, B, C and E of Part 1 of Schedule 2 (xii) retentions of hedgerows and replacement where damaged (within 5 years of completion of development) (xiii) completion of hard and soft landscaping (xvi) provision of bicycle and refuse storage shown on plans.

- II 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