

a) **DOV/20/00268 - Erection of pair of semi-detached dwellings with associated vehicular access and parking - 17 Somerset Road, Walmer**

Reason for report: As a result of the number of representations received from residents in the District in support of the proposal.

b) **Summary of Recommendation**

Planning permission be refused.

c) **Planning Policies and Guidance**

Development Plan

The development plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act (2004) comprises the Dover District Council Core Strategy 2010, the saved policies from the Dover District Local Plan (2002) and the Land Allocations Local Plan (2015). Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise.

Core Strategy Policies

A summary of relevant policy is set out below:

CP1 -The location and scale of development in the District must comply with the settlement hierarchy. Deal, including Walmer, is identified as a District Focus and a secondary focus for development in the District: suitable for urban scale development.

DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.

DM11-Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by Development Plan policies.

DM13 – Provision for parking should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for residential development should be informed by the guidance in the Table for Residential Parking.

National Planning Policy Framework 2019 (NPPF)

- Paragraph 2 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”.
- Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- Paragraph 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 granting permission 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 122 states that planning decisions should take account of the desirability of maintaining an area's prevailing character and setting (including residential gardens).
- Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- Paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, are sympathetic to local character and history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.
- Paragraph 177 states: The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
- Chapter five of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years' worth of housing.

#### Kent Design Guide

The guide provides criteria and advice on providing well designed development.

#### National Design Guide

Provides guidance on objectives for good design and how this can make a positive contribution to the character of an area.

#### **d) Relevant Planning History**

No relevant applications in relation to the site.

#### **Consultee and Third-Party Responses**

##### KCC Highways

Notes that the ideal width of the access should be 3m but the proposed width is narrow, being 2.3m.

In addition, the aisle/forecourt width should be 6m to provide sufficient turning space. If the parking spaces are 3m in width then an aisle distance of 5.5m can be acceptable.

For the two properties proposed there should be a total of three parking spaces.

Parish Council - Positively support the application.

Kent Fire Officer - has confirmed access arrangements of the Fire & Rescue Service have been met.

Southern Water

A formal application would be required to connect to the public foul and surface water sewer and an Informative is recommended to cover this matter. The disposal of surface water would need to meet Building Regulations requirements.

Waste Services Officer

I have looked at the planning application for the proposed 2 dwellings at the rear of 17 Somerset Road I see that under section 14. Waste Storage and Collection and in answer to the questions, 'Do the plans incorporate areas to store and aid the collection of waste?' and 'Have arrangements been made for the separate storage and collection of recyclable waste?', the applicant has given the answer See drawing SR01A. I have studied this drawing and also drawing SR02A. I see that the applicant has incorporated a Bin Storage area close the back edge of the main highway. It is not clear whether the storage area is actually a structure of some sort to contain a wheelie bin set or if it just an area of land that it set aside for this purpose. As the bin storage areas will not be visible from the properties and for security purposes I would suggest that it is a purpose built structure.

Dover District Council operates an alternating fortnightly refuse and recycling collection. The Bin Storage area must be able to accommodate at least a standard bin set for each property. A standard bin set for a family of 1 to 5 residents comprises a 180 litre refuse bin ( width 0.5 metres, depth 0.7 metres, height 1.1 metres ), 240 litre recycling bin ( width 0.6 metres, depth 0.75 metres, height 1.1 metres ), black box for paper / card ( width 23 inches, depth 18 inches, height 14 inches ) and kerbside food caddy ( height 16 inches, depth 16 inches, width 13 inches). If a household has 6 or more residents they will be entitled to have another 180 litre refuse bin so the Bin Storage area should at least be large enough to accommodate the additional refuse bin if it is required. I would also suggest that the Bin Storage area has a partition of some sort to separate the two proposed properties waste and recycling. It may be prudent to have a lock on each door of the Bin Storage area if a structure is built.

I note that there will be quite a distance between the proposed houses and the Bin Storage area so any future resident will have to accept that they will have to transport their waste and recycling from their property to the bin store. As the Bin Storage area is not at the boundary of the highway where collections will be made from each resident will be required to present the relevant containers at the boundary on collection day. With bins presented at the boundary on collection day there does appear to be sufficient room for cars to access the houses down the drive. The applicant needs to be made aware that it is Dover District Council policy to charge for wheelie bin sets and a set will not be delivered until it has been paid for.

Third-Party Representations

A total of 24 representations have been received. 13 of these raise objections as summarised below:

- The site is too small to accommodate 2 houses. Proposal is totally inappropriate and comprises overdevelopment. The houses would be out of keeping with the established character
- Proposed houses would have very small rooms
- No other houses are located in the back garden area of properties in Somerset Road
- Harmful impact on daily life and privacy of neighbours as a result of overlooking
- Overshadowing and loss of light to surrounding houses and gardens
- Narrow access drive to the houses and possible conflict with pedestrians
- One parking space per dwelling is inadequate and will result in additional on street parking in Somerset Road which is already parked up.
- Demolition of garage associated with number 17 has resulted in additional on road parking.
- Noise pollution caused by cars and vehicles in the back garden area
- Inadequate drains and local flooding issues
- Wheelie bin storage area located away from the houses
- The proposal would not make a contribution to the stock of affordable housing. The argument for affordable housing should not be used to approve unsuitable development

#### Other Matters Raised

- False information has been put forward by the applicant in relation to security of neighbouring properties
- Letters of support are from personal friends of the applicant and not those living adjacent to the site
- Impact on property values
- Congestion caused by contractors' vehicles if permission is granted.

11 representations have been received in support of the proposal. These have been submitted by residents of the District, the majority of whom do not live adjacent to the site.

- Need for more affordable family homes due to a shortage in the area
- Site is close to amenities and public transport
- The site is in keeping and there would be no problems with overlooking or loss of light
- Consider any problems have been addressed
- Site is considered to be an eyesore and the proposal would provide an opportunity to improve it.

#### e) 1. The Site and the Proposal

##### The Site

- 1.1.1 Number 17 is an end of terrace two storey Victorian house situated on the south eastern side of Somerset Road within the identified confines of Deal/Walmer. The property occupies a plot that is wider than the others in the terraces on this side of Somerset Road.
- 1.1.2 The flat rear garden of number 17 is approximately 28m in length and 9.6m in width. The garden extends towards two storey houses set at the end of the cul de sac to the south known as Kennedy Drive. These properties have shallow rear gardens between 9-11m in depth.

- 1.1.3 Number 17 is adjoined on the north west side by a larger two storey L-shaped building known as Somerset Court built in the 1990s, which accommodates 10 flats. This building is set back approximately 13m from the road frontage and is positioned just 2m away from the boundary with number 17, along which is a 1.8m high fence. Somerset Court measures approximately 30m in length and runs parallel with and in close proximity to the rear garden of number 17. Somerset Court was designed with only high level windows in the south eastern side elevation, to take account of the siting in relation to number 17 and to avoid the potential for overlooking and loss of privacy of adjacent rear gardens.
- 1.1.4 The northern side of Somerset Road comprises a mix of detached and semi-detached houses of varying plot widths set along a regular building line. Somerset Road forms part of an established residential area and is a fairly busy through route within the urban confines of the town with on street parking on both sides of the road.

### The Proposal

- 1.5 Full planning permission is sought to subdivide the back garden of number 17 and to construct a semi-detached pair of three bedroom houses on the southern section situated towards Kennedy Drive. Access to the proposed plot would be via a driveway to be formed running parallel with the western boundary of the site.
- 1.6 The proposed plot would measure approximately 23.5m in length from the proposed rear garden boundary of number 17 and would be 9.6m in width. The footprint of the proposed building would measure approximately 10.1m in depth and 9.6m across, filling the width of the plot. The proposed pair of houses would have a rear amenity area measuring 3m in depth. To the front of the houses is an area described as an open shared garden measuring approximately 5.5m in depth.
- 1.7 Beyond the shared front garden area and the rear of number 17 it is proposed to create two parking spaces (one for each dwelling) at a 90 degree angle to the side boundaries. These spaces would be positioned immediately to the rear of the amenity space remaining for number 17 and adjacent to the shared front garden area. Part of the shared garden area would appear to be required to provide turning space to enable cars to reverse and leave the site in a forward direction.
- 1.8 The plot would be reached via a vehicle access to be created adjacent to the western boundary of the garden of number 17. An area of landscape planting is shown adjacent to the western side of number 17 measuring 2.5m in width and 16.8m in length. At the northern end of this area close to the front of number 17 it is proposed to site a refuse area for waste bins.
- 1.9 Number 17 would be left with a rear garden space measuring 5.3m in depth from the back elevation of the house. It is stated that it is possible to take refuse bins to the rear amenity area of number 17 via an existing passageway on the eastern side of the property, which it is said falls under the applicant's ownership. It is understood that the garage positioned on the western side of number 17 has already been demolished.

## **2 Main Issues**

- 2.1 The principle of development
- Pre-Application advice
- Character of the area and relationship with adjacent properties

Impact on residential amenities

Highway matters

Other Matters

### **Assessment**

- 2.2 The starting point for decision making is Section 38(6) of the Planning and Compulsory Purchase Act 2004. This states that regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be in accordance with the plan unless material considerations indicate otherwise.
- 2.3 Policy CP1 states that the location and scale of development in the District must comply with the Settlement Hierarchy which informs the distribution of development in the Core Strategy.
- 2.4 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 629 dwellings per annum. However, the application site is within the defined settlement confines and, as such, Policy DM1 supports development in this general location. Consequently, it is considered that DM1 reflects the NPPF (which supports locating development in urban areas) and, as a matter of judgement, it is considered that policy DM1 is not out-of-date (insofar as this application is concerned) and, as a result, should continue to carry significant weight.
- 2.5 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. For the purposes of assessing this application, the site falls within the settlement confines and so is supported by DM11. This support is consistent with the NPPF which seeks to focus development in locations which are or can be made sustainable, where there is access to a range of modes of transport (including walking and cycling) and where development will support existing facilities and services, and social integration. Insofar as this application is concerned, it is therefore considered that DM11 is not out-of-date and should continue to attract significant weight.
- 2.6 Having regard to the compliance with Policy DM1 and DM11, the principle of development within this area is acceptable in principle. The suitability of this particular site for the development however is considered to turn on the detailed assessment of the size of the site, the merits of the scheme as set out in this report, relative to matters including its impact on the character of the area and existing residential amenities and a consideration of its general compatibility with the requirements of the NPPF.

### **Principle of Development**

- 2.7 It is acknowledged that the NPPF identifies the need to boost housing supply, provide for sustainable development and to build on previously developed land. Paragraph 122 d) of the NPPF states that planning decisions should support development that makes efficient use of land whilst taking into account the desirability of maintaining an areas' prevailing character and setting including residential gardens. Paragraph 127 of the NPPF outlines a framework for achieving well-designed places with a high quality standard of design. In particular, development should add to the overall character of the surrounding built development.

- 2.8 Whilst number 17 and its garden lie within the settlement confines there remain concerns about the development of this small confined back garden area, as discussed below and as identified at the pre-application stage.

#### Pre-Application Advice

- 2.9 A pre-application enquiry was submitted in October 2019 in relation to this site. Eight different proposals were put forward including schemes for a three bedroom bungalow, 2 x 2 bedroom bungalows, 1 x chalet bungalow, 2 x 2 bedroom houses and 2 x 3 bedroom town houses. All the schemes were in outline form with no elevational details provided. In the absence of this information it was not possible to provide individual analyses of each of the schemes, but a full response was provided explaining the reasons why there were objections to the principle of residential development in this back garden.
- 2.10 The applicant was advised that whilst number 17 and its garden fall within the settlement confines, there would be an in principle objection to the development by reason of the small and confined nature of the plot, closely adjoined by existing residential properties and it would be out of keeping with and harmful to the open character and visual qualities of the locality. The applicant was advised that the introduction of new housing to the rear of number 17 would result in an unacceptable reduction in the standard of existing residential amenities and a poor level of proposed amenity, falling well short of the aim of paragraph 127 of the NPPF. The series of proposals put forward at the pre-application stage would not maintain the prevailing character and setting of the area.
- 2.11 Notwithstanding the above, the applicant has chosen to put forward a scheme for a pair of 3 bedroom semi-detached houses.

#### Character of the Area and Relationship with Adjacent Properties

- 2.12 Somerset Road forms part of an established residential area of the town with a mix of house ages, sizes and styles. The southern side of the road incorporates short terraces of two storey houses with generally narrow and longer gardens, which gives a sense of openness to the rear of the terraces. The north side of Somerset Road comprises a mix of modestly sized detached and semi-detached pairs of two storey houses which retain a regular building line to the street frontage. Kennedy Drive which adjoins the site to the rear is a residential cul de sac dating from around the 1970s with semi-detached two storey houses set on wider but shallower plots.
- 2.13 The application under consideration would involve the creation of a plot measuring approximately 9.6m wide x 23.5m in length, being set behind the frontage houses of Somerset Road. It would be reached via a narrow (2.3m wide) vehicle access running adjacent to the western side of the site and so would have no recognisable street frontage. Due to the backland location of this proposal and close proximity to houses in Somerset Road, Kennedy Drive and flats in Somerset Court the size and nature of the plot would be very different in character to others in the vicinity. The subdivision of this garden area is considered to create a small and restricted backland development which would be inconsistent with the prevailing character, which comprises narrow/long back gardens to the rear of the terraced road frontage.
- 2.14 The proposed development would comprise the introduction of a pair of small semi-detached houses with accommodation over two floors. The dwellings have been designed with dormers in the northern elevation set partly into the front wall and partly into the roof space. A further dormer is shown at the rear of each dwelling with a blank southerly elevation and a west facing window in the side serving bedroom 1 of each

property. The proposed houses also incorporate some roof lights and a flat roofed element in the centre of the dwellings. It is stated that the dwellings would be finished in yellow brick with red detailing and slate roofs.

- 2.15 It is clear that the narrow width and depth of the proposed site and limited available space have influenced the size and shape of the houses. It is apparent that it has been necessary to design the houses in a rather contrived way with a flat storey element in the centre to provide head height, whilst reducing the overall ridge height. There would be no windows in either side of the building and the rear dormers have had to be designed with a window facing towards the western side of the plot in order to avoid direct overlooking towards the houses in Kennedy Drive that would arise if first floor windows were inserted in the rear face of the dormers. Overall the size and design of the proposed houses would be out of keeping with other full height two storey houses in the vicinity which generally incorporate ridged or hipped roofs. The proposal would result in houses that would not be sympathetic to the local character and history of the surrounding built environment and would detract from the overall appearance of the area, contrary to the aims of paragraph 127 of the NPPF.

#### Impact on Residential Amenities

- 2.16 It is necessary to have regard to the residential amenities of the occupants of the surrounding properties as well as those of the proposed dwellings.

#### *Impact on Number 17 and Other Somerset Road Properties*

- 2.17 Firstly, the occupants of number 17 would be left with a garden of much smaller size with a reduction from 28m (L) x 9.6m (W) to 5.3m (L) x 5m (W). This rear amenity space would need to accommodate refuse storage and external clothes drying facilities, leaving little space available for outdoor play or an external seating area. The amount of garden space available for number 17 would be severely reduced and restricted by the proposed development and would not provide a high level of external amenity for this home.
- 2.18 Secondly the amenity area of number 17 would be immediately adjoined by the two parking spaces and the drive leading to the proposed houses. As a result it would suffer some noise/disturbance arising from vehicle movements/manoeuvrings/car doors slamming etc.
- 2.19 The introduction of two parking places in this location would also impact on the standard of amenity currently enjoyed by the occupants of number 15 Somerset Road and Somerset Court. The two parking places would be sited close to the rear patio area of number 15 and the occupants of this property would be subjected to noise disturbance by reason of the introduction of vehicle activity. The occupants of adjacent flats in Somerset Court would also be affected in a similar way with the introduction of the driveway and vehicle movements close to the boundary fence and some habitable rooms.
- 2.20 As well as a reduction in the amount of the amenity space for number 17 and noise disturbance, there are also concerns about overlooking. The rear of number 17 would be approximately 15m from the front elevation of the proposed houses, resulting in some level of mutual interlooking and loss of privacy for the occupants of both properties. This would lead to a further reduction in the standard of amenity that the occupants of number 17 could reasonably expect to enjoy. The siting of the building on the side boundary with the garden of no.15 would have a harmful overbearing/loss of light impact on the garden to that property. The proximity of first floor dormer windows near to this boundary, with an outlook towards the rear of the terrace, would

result in a sense of overlooking into the garden of no.15, which in addition to the other harm identified, would seriously diminish the quality/enjoyment of the living environment within the rear garden area to that property.

- 2.21 With the removal of the garage associated with number 17 and no alternative off street space provided, this property would no longer have the option of benefitting from off street parking.

*Impact on Occupants of Kennedy Drive*

- 2.22 The occupants of the adjacent houses in Kennedy Drive to the south currently benefit from the open aspect created by the narrow but undeveloped rear gardens of the terraces in Somerset Road. The houses immediately to the rear of the proposed site have been enlarged with the addition of rear conservatories, which has somewhat reduced the depth of their rear gardens.
- 2.23 The introduction of a pair of houses in close proximity would significantly alter the outlook from the rear of the properties in Kennedy Drive and result in a level of mutual overlooking, although more particularly overlooking from the first floor bedroom velux windows into the rear of the Kennedy Drive properties. Such an arrangement would be detrimental to the level of amenities currently enjoyed by the occupants of the Kennedy Drive houses and would cause harm to their overall standard of accommodation.

*Impact on Occupants of Somerset Close*

- 2.24 In addition to the impact on residents of adjacent houses the proposed development is also likely to have a detrimental impact on the occupants of the flats, particularly at the southern end of Somerset Court. This building is sited just 2m away from the boundary with the garden of number 17 and was clearly designed to take account of the amenities of number 17 as only high level windows are found in the eastern elevation. These windows serve a variety of rooms in the flats including bedrooms, bathrooms, staircase and a kitchen. In all cases the habitable rooms within the flats are single aspect so that outlook from and the amount of light reaching these areas is lower than with full sized windows.
- 2.25 The proposed pair of houses, due to their siting just 2m away from the windows in Somerset Close would result in an overbearing impact and a reduction in the amount of morning light reaching some of the rooms of the flats in Somerset Court. This would lead to an unacceptable reduction in the level of amenities currently enjoyed by the occupants.
- 2.26 The occupants of flats in the northern part of Somerset Court would also be affected by the introduction of a vehicle access adjacent to the boundary fence and the associated noise and activity in close proximity to bedroom windows. This would result in some reduction in the quality of amenity that the occupants of these flats currently enjoy, to the detriment of their living standards.

*Amenities of the Occupants of Proposed Houses*

- 2.27 The proposed scheme involves the creation of two very small and confined houses with limited overall floor area. The two single bedrooms are of limited width and floor space and would have a cramped feel. Overall the amount and standard of the internal accommodation is not considered to be at a high level and would provide a low level of internal amenity for the occupants. Whilst the National Technical Housing Standards are not adopted by this Council and so are not a material consideration, it is interesting

to note that the overall floor area and two of the bedrooms appear to fall below the standards outlined in that document.

- 2.28 With regard to the external amenities for the occupants of the proposed houses it is noted that each dwelling would have a rear amenity space of just 3m in depth and 4.5m in width. This would provide a very limited amount of space to accommodate clothes drying facilities, children's play area, garden furniture etc. The area would be so confined that it is unlikely to be of sufficient size to meet the reasonable requirements of a potential family home.
- 2.29 The rear amenity spaces would be positioned around 10m from the first floor windows of houses in Kennedy Close with the potential for being directly overlooked by the occupants of these properties. Overall the size and standard of private amenity space for the occupants of the proposed houses would be poor and would not provide a satisfactory level of outdoor space.
- 2.30 It is stated that a shared open front garden area would be provided for the pair of properties. This area would however also appear to be necessary to provide enough manoeuvring space to access the parking places. This would present a potential safety conflict if the front garden area were being used for play purposes. In addition the landscape planting shown in the shared front garden is likely to come into conflict with the use of this area for turning vehicles. There is concern that in reality (perhaps in the medium/long term) the shared front garden would be used for car parking/turning space and would not be planted or be available for amenity purposes.
- 2.31 An area for bins is shown sited adjacent to the front elevation of number 17 which would appear to be for use by the occupants of the proposed houses. It is unclear if this would just be used on collection day or whether the occupants of the proposed houses would be expected to keep their refuse bins there permanently. This location is approximately 28m away from the houses and would present a long carry distance for occupants to transfer waste to the bin. No area has been identified for the storage of waste further within the site and there does not appear to be room to the front of the houses without causing a conflict with the vehicle turning area/front garden space.
- 2.32 In the light of the above it would appear that the proposal would involve the creation of two small confined houses with a small amount of rear amenity space and a conflicted front garden area. In general, the standard of internal accommodation would be cramped and the lack of usable and practical external amenity space would result in a low standard of amenity for the occupants and not at a level that would represent a good standard of design.

#### Highway Matters

- 2.33 It has been noted that the vehicle access at 2.3m in width is narrower than the ideal width of 3m. Only one vehicle would be able to use the access at a time with the potential for another car to be waiting in the road or occupying the turning space within the site.
- 2.34 There is also a shortfall in the number of parking places, which should be three rather than two for this proposal. This could result in a demand for on street parking in Somerset Road. As mentioned above turning/manoeuvring space would be restricted and vehicle activity would come into conflict with an area described as front garden, where children could be playing.
- 2.35 The removal of the garage from number 17 and the creation of a driveway to the proposed dwellings to the side of number 17 would also result in a loss of off street parking options for the host dwelling. Overall the parking layout is substandard and

access into space 1 does not look workable. Whilst the proposal would not appear to meet the requirements of the adopted KCC Highway standards and some harm would arise, the Highways Engineer has not supported a highways reason for refusal.

#### Other Matters

- 2.36 Various comments have been made in support of the application. It's not irrelevant to mention that most of these do not come from those living adjacent to the site.
- 2.37 The proposed houses are not described in the submitted documents as being affordable. The size of the site and number of houses involved would not trigger the need for a contribution towards the stock of affordable housing in the District. It is not possible therefore to use this argument to support the proposal.
- 2.38 Some reference has been made to the site being an eyesore. The applicant has demolished the garage and cleared the site of all vegetation and whilst the result is not attractive, the applicant is entitled to do this without the need for planning permission and furthermore the temporary poor appearance of the land cannot be used as a basis for justifying a scheme which is considered to be poorly designed.
- 2.39 Reference has also been made to the possibility that the proposal will add to drainage problems that are said to exist in the area. In the event that planning permission is granted, such an issue could be covered by planning condition if necessary.

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

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

The following appropriate assessment has been undertaken on that basis.

- 2.41 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.
- 2.42 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.
- 2.43 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.
- 2.44 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.
- 2.45 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.

### **3 Conclusion**

- 3.1 Paragraph 122 of the NPPF highlights the desirability of maintaining an areas prevailing character and setting including residential gardens. The subdivision of this confined site would result in the formation of a very small plot that would lead to overdevelopment of the back garden of number 17. The proposal would introduce a form of development that is uncharacteristic of the surroundings, by virtue of the pair of properties not having a recognisable street frontage and having an unduly cramped and contrived appearance. The proposed scheme would therefore not fit into or respect its established residential surroundings. In light of the above considerations it is concluded that the proposed development whilst being sited within the settlement confines, would be out of keeping with and harmful to the open character and visual qualities of the locality, contrary to paragraph 122 of the NPPF.
- 3.2 Paragraph 127 of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which would promote health and well-being with a high standard of amenity for existing and future users. The introduction of housing to the rear of number 17 and in proximity to a number of adjoining properties would result in a reduction in the standard of the existing residential amenity or a poor level of proposed amenity, contrary to the aim of paragraph 127 f) of the NPPF. The principle of the development of the garden of number 17 would fall well short of achieving the objectives of paragraph 127 of the NPPF.
- 3.3 Given the constraints generated by the very limited size of the site and relationship with neighbouring properties, this proposed residential scheme to the rear of number 17 would result in an unacceptable form of development having an unsatisfactory relationship with adjacent properties and being harmful to existing and proposed levels of amenity. On this basis it is clear that the adverse environmental effects of providing two small additional dwellings would significantly and demonstrably outweigh any socioeconomic benefits arising and it is recommended that planning permission be refused.

### **g) Recommendation**

I PERMISSION BE REFUSED for the following reasons:

1. The proposal would result in the creation of a backland plot of very small size, being out of keeping with the established pattern and character of the area and contrary to the aims of paragraphs 122d) and 127 c) of the National Planning Policy Framework.
2. The subdivision of this site and the introduction of a pair of semi-detached houses of the design proposed, would result in a contrived over development of the rear garden of number 17 Somerset Road, harmful to the sense of space, separation from adjacent buildings and the spatial and visual appearance and character of the area contrary to the aims of paragraph 122 d) and 127 of the National Planning Policy Framework.
3. The proposed development would not result in a high standard of amenity for the occupants of the proposed properties by reason of the restricted size of the site, the cramped and confined internal and external living space and overlooking from existing adjoining properties, contrary to the aims of paragraph 127 f) of the National Planning Policy Framework.

4. The proposed development would be detrimental to the amenities of the occupants of the neighbouring properties by reason of the close siting and overbearing impact, loss of light, overlooking and loss of privacy and noise disturbance associated with the introduction vehicle activity adjacent to external amenity areas. The proposal would therefore be contrary to the aims of paragraph 127 f) of the National Planning Policy Framework.

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

Hilary Johnson