

- a) **DOV/19/01522 – Erection of five flats with landscaping, associated parking, external steps and enlargement of existing vehicle access (existing dwelling to be demolished) - 26 Hardwicke Road, Dover**

Reason for report: The number of representations received in support of the proposal.

b) **Summary of Recommendation**

Planning Permission be Refused.

c) **Planning Policy and Guidance**

Planning and Compulsory Purchase Act 2004

- Section 38(6) – requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy. Dover is identified as the major focus for development in the District, suitable for the largest scale developments.
- DM1 – Development will not be permitted outside 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.
- DM5 – The Council will seek applications for residential developments of between 5 and 14 homes to make a contribution towards the provision of affordable housing.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – Parking provision should be design-led, 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 Table 1.1 of the Core Strategy.

Land Allocations Local Plan

- DM27 – Planning applications for residential development of five or more dwellings will be required to provide or contribute towards provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate the additional demand.

National Planning Policy Framework (NPPF)

The most relevant parts of the NPPF are summarised below:

- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that development proposals that accord with an up-to-date development plan should be approved without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, permission should be granted unless:

i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development (having regard for footnote 6); or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

- Paragraph 108 states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable modes of transport can be taken up, safe and suitable access to the site can be achieved for all users, and any significant impacts on the transport network or highway safety can be mitigated to an acceptable degree.
- 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 110 states (amongst other things) that applications should create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; and allow for the efficient delivery of goods, and access by service and emergency vehicles.
- Paragraph 117 states that decisions should promote an efficient use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- Paragraph 118 states that decisions should (amongst other things) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing and available sites could be used more effectively.
- Paragraph 122 states that decisions should support development that makes efficient use of land, taking into account the need for different types of housing, local market conditions, infrastructure, the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed, attractive and healthy places.
- Paragraph 127 states that decisions should (amongst other things) 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, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change (such as increased densities), and create places that promote health and well-being, with a high standard of amenity for existing and future users.

The National Design Guide and Kent Design Guide (KDG)

- These Guides provide criteria and advice on providing well designed development.

d) **Relevant Planning History**

DOV/19/00792 - Erection of a building incorporating 5 no. flats, formation of car parking, external steps, landscaping and enlargement of existing vehicular access (existing dwelling to be demolished) – Application withdrawn.

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

Dover Town Council – Object. After taking into consideration the views of residents, Committee feels that the application presents an over intensification of development and the design not in keeping with the surrounding area. Insufficient parking facilities are also an issue.

Southern Water – Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer and request the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link

<https://beta.southernwater.co.uk/infrastructure-charges>.

The design of the proposed basements and on site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide the protection from the risk of flooding.

KCC Highways – It would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. Requests an informative regarding the need for highway approvals and consents.

DDC Environmental Health Officer – No objection but, requests that conditions be imposed relating to the remediation of unforeseen contamination, a construction management plan, and to restrict hours of working during the construction phase.

DDC Waste Services Manager – All individual properties will have a launch pack. Flats depending on the amount of properties in each block will vary approx. 180 litres of refuse per flat, 55 litres of recycling for tins, glass & plastics, 55 litres for paper & card recycling & outside food caddy, 7 litre kitchen caddy for each property, majority of bins for flats would be communal bins.

Dover Society – No response received.

Public representations –

29 objections received within the statutory consultation period, raising the following issues:

- The building is too tall, overbearing, out of scale and the appearance of the rear elevation is out of character; it is an eyesore;
- Development is out of character with the locality; there are no existing flats in this road; this is out of place in a road of detached and semi-detached houses; the older houses have front and rear gardens and a sense of space;
- There is no respect for the context of the site and the street pattern;

- Five parking spaces is inadequate; each household should have 1.5 spaces, plus visitor provision;
- There is not enough room for five parking spaces and space for people to get out;
- Loss of on-street parking for residents; the existing shortfall of parking will be made worse; there will be a knock-on effect on other nearby roads;
- Balconies will overlook properties in Churchill Road, and the neighbours on either side;
- Noise and dust pollution;
- The building will block out light to neighbours' house and garden;
- Loss of outlook;
- There are already enough flats in Maxton spoiling views of the landscape;
- Refuse bins are too close to neighbours and will create noise;
- Damage will be caused to the foundations of the neighbouring house through excavation of the foundations; this will be exacerbated by the steep slope; an engineers' report should be provided;
- Construction vehicles will not be able to gain access and will cause obstruction; access is already difficult for large vehicles and emergency vehicles;
- This is not much different from the previous scheme which was rejected by residents;
- Potential overloading of the sewer;
- Lack of infrastructure to serve more houses;
- Houses should be built on brownfield sites instead;
- This will create a precedent for houses with gardens to be turned into flats;
- Decrease in property values.

7 representations in support received within the statutory consultation period, raising the following points:

- This is a well-designed addition to the street scene; it is aesthetically pleasing; it will bring good quality housing to Dover without destroying greenfield sites around Whitfield;
- This is an efficient use of ground space, providing five units where there is currently only one;
- Rear elevations of neighbouring properties are already four storeys high;
- Parking won't be an issue in a few years, as the number of cars is dropping;
- Provision of off-road parking is a positive move; a simple conversion scheme would not provide parking;
- New housing for young people will be a benefit and improve the area from its current semi-ghetto;

- Will help keep local businesses viable;
- Looking to move to Dover and would be interested in living here.

Some additional responses were received (both in support and objecting to the scheme) after the statutory consultation period expired, and some with no verifiable address; however, the issues raised are already reflected in the analysis above. In addition, some vexatious representations were received.

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

- 1.1 The site is located on the north-west side of Hardwicke Road and currently accommodates a detached two storey house with a single storey rear extension. The land slopes down steeply from the road and, like most of the houses on this side of the road, this house sits well below road level; the eaves are approximately at pavement level. The site measures about 15m by 51m overall, with the front of the house 15.3m back from the front boundary. The front garden contains a concrete parking area at road level capable of accommodating two cars, with a path and steps leading down to the house. The rear garden slopes down further and backs onto the ends of the gardens of properties in Churchill Road, the rear elevations of those houses being 58m - 60m distant from the rear elevation of the house on the application site and at a considerably lower level.
- 1.2 The existing house is sited about 4.3m from the side boundary with no 24 to the north-east, that house itself being a further 1.1m away. On the other side there is about 2.3m to the boundary and a further 1.3m to the house (no 28). The neighbouring houses have some windows in their side elevations. In addition to the site sloping down from front to rear, the road itself slopes down from north-east to south-west. Generally speaking, the houses on this side of the road also follow this slope, with the tops of their roofs stepping down likewise; however, the house currently on the application site is noticeably smaller than both its neighbours on either side; the ridge of the roof is about 4.7m below that of no 24 and 2m below that of no 28. The houses on the opposite side of the road sit well above road level.
- 1.3 Hardwicke Road is mainly comprised of detached and semi-detached houses, many dating from the early/mid twentieth century, but with a few, more recent, developments. Most of the houses on this side of the road have a two-storey appearance from the road, but many also have a lower ground floor and some, including no 24 next door, also have dormers at the rear, giving the appearance of four storeys at the rear, albeit that the top floor is in the roofspace. External materials vary considerably, including brick, render and tile.
- 1.4 It is proposed to demolish the existing building and erect a building comprising five flats. It will essentially be of three-storey appearance from both front and rear, but with an attic floor served by front and rear rooflights. Excavation will take place to lower the ground level of the building by 1m, taking it to about 6m below pavement level. Both the lower ground floor and the ground floor will accommodate two units: a studio-type flat and a one-bedroom flat. The fifth unit will have two bedrooms (plus study), mainly at first floor but with the second bedroom in the attic. A communal entrance will be provided at a mezzanine level between lower ground floor and ground floor.
- 1.5 Although it will be a single building, visually it has two different profiles due to variations in height and depth from front to rear; this is more apparent from the rear

than from the front – from the front, the only real differentiation is in the height of the roof.

- 1.6 The front elevation will be brought forward by about 1m, making it more or less in line with the two properties either side. The building will be 12.7m wide, leaving a gap of about 1m to the boundary with 24 and 1.4m to the boundary with 28. The depth from front to rear on the left-hand portion (when seen from the road) will be 10.2m with the right-hand section having an additional roof overhang of 1.2m at the rear. Both parts of the building have projecting bays at the front. There will be a pitched and gabled roof significantly taller than that of the existing house, but more in tune with the “stepped” nature of the roofs going along the road. The right-hand part of the roof will be about 0.4m taller than the left-hand part, to accommodate the additional depth of the building at this point. In terms of the street elevation, this means that the ridge of the right-hand part will be 0.6m below the ridge of 24, and the ridge of the left-hand portion will be 1.7m above that of 28.
- 1.7 The rear elevation of the left-hand part will be 2.6m further back than the existing single-storey element of the house at 26 that is to be demolished, making it roughly in line with the projecting rear element of 28, and 2.8m further back than the part of that house that is closest to the boundary. The rear corner of the right-hand part will be 1.4m behind the line of the rear of 24. Fenestration will mainly be to the front and rear, although there will be bathroom windows on both side elevations on all three main floors. At the rear, the ground floor and first floor accommodation will each have a projecting balcony and a “Juliet” balcony, the projecting balcony being accommodated under the roof overhang with “wing” walls to limit the scope for overlooking neighbouring properties.
- 1.8 Externally, the vehicular cross-over will be widened to encompass the entire frontage, providing access to five block-paved parking spaces each accessed directly from the road. An enclosed refuse storage area will be provided to the rear of the parking space adjacent to the boundary with 28. The steps and retaining walls in the front garden will be reconfigured to provide access to the building entrance and paths running down both sides of the building. Cycle parking/storage will be provided behind the parking spaces at a slightly lower level. Details are provided of a landscaping scheme comprising bushes and grassed areas. External materials for the building will comprise stock brickwork and white render, with Marley Eternit tiles.
- 1.9 This is an amended scheme following the withdrawal of an earlier application for the same number of residential units. The amendments that have been introduced include changes to the design and detailing of the front elevation, and a reduction in the fenestration and balcony arrangements at the rear.

2. Main Issues

2.1 The main issues are:

- The principle of the development;
- The visual impact of the development on the street scene and the character of the area;
- Impact on the amenities of surrounding properties, and the standard of amenity for potential occupiers of the development;
- Highways and parking;
- Ecology and habitats.

Assessment

Principle

- 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. The site lies within the defined urban confines of Dover, which is identified under policy CP1 as being the major focus for development in the district, suitable for the largest scale developments.
- 2.4 Policy DM1 and the settlement confines referred to within the policy were devised, in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy, with the purpose of delivering 505 dwellings per annum. 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 determining issues for this application therefore rest on consideration of matters of detail, such as the impact of the proposed development in its specific context and the impact on surroundings, 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.

Visual Impact

- 2.7 NPPF paragraph 117 says that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 118 says that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing and available sites could be used more effectively.

- 2.8 Paragraph 122 says that planning decisions should support development that makes efficient use of land, taking account of (amongst other things) the desirability of maintaining an area's prevailing character and setting, including residential gardens, and the importance of securing well-designed, attractive and healthy places. Paragraph 127 states that decisions should (amongst other things) 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, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change (such as increased densities).
- 2.9 The theme that runs through all this advice is that, notwithstanding the need to provide new homes on suitable brownfield sites, this should always be balanced against the requirement to achieve development that is itself well-designed and appropriate for its setting.
- 2.10 There can be no denying that the building currently on this site is, visually, something of an anomaly. Its height, in particular is at odds with the general pattern of development in Hardwicke Road, with the roofs stepping down gradually to reflect the slope of the road and the surrounding topography. There is scope for a taller building to better reflect this feature, and the proposed scheme achieves this successfully, including the fact that the building itself has two separate roof ridges at different heights.
- 2.11 The building will also increase in width. The flank-to-flank distance to number 24 will be reduced from 5.4m to 2.1m and that to number 28 will reduce from 3.6m to 2.7m. Although the combined impact of the increase in height and increase in width is necessarily to create a noticeably larger and bulkier building, a building of this size could probably be satisfactorily accommodated in the street scene (when seen from the front), especially given that it is only the top part of the building that is readily visible from road level.
- 2.12 However, in other respects the proposed building would not assimilate well into the street scene. This is primarily due to the design and appearance of the front elevation. The changes introduced since the previous application include replacing render with brickwork, altering the disposition and proportions of the windows and, most significantly, introducing projecting bays. Although this signifies a move from a more contemporary, but quite bland, appearance to something that reflects more of the vernacular features of surrounding buildings, the overall impression will be of an uncharacteristically solid, dominant building, the architectural articulation of which does not reflect the rhythm of built development in the road generally. Many of the neighbouring buildings have a strong vertical emphasis and, despite the use of projecting bays, this is not successfully reflected in the current design, for example in the way that the stepping down of the roof does not relate to other features of the building, and the horizontal and vertical arrangement of openings in the central part of the elevation appears incoherent in relation to the rest of the elevation.
- 2.13 Similarly, at the rear, the extensive floor-to-ceiling glazing on the upper floors gives an appearance that is entirely out of keeping with domestic character of neighbouring properties. Whilst, being at the rear, this does not have any significant impact on the public realm, it has implications for residential amenity, which are highlighted later in this report.
- 2.14 The parking arrangements at the front of the site also have an impact on the street scene; this is also discussed later.

Residential Amenity

- 2.15 In addition to ensuring that developments are visually attractive and sympathetic to local character, NPPF paragraph 127 says that planning decisions should create places that have a high standard of amenity for existing and future users. The principal issues to be considered are whether there would be any harmful effects on the amenities of neighbouring properties through a loss of privacy, loss of outlook, deprivation of daylight or sunlight, creation of noise and disturbance, or overbearing impacts. It is also appropriate to consider the level of amenity that would be afforded to future occupiers of the proposed development.
- 2.16 The new building would extend further back into the site than the existing building, replacing what is currently a single-storey element at the rear with a three-storey structure and extending 2.6m further into the rear garden, also at three storeys in height. The principal windows of the adjacent houses face to the front and rear, and the new rear elevation does not extend substantially beyond the rearmost part of the rear elevations of the immediate neighbours. That part of the rear elevation of 28 closest to the boundary is not on that alignment, though, and the proposed building would extend 2.8m to the rear of the windows on that elevation. When seen in plan form (in two dimensions) this is not an uncommon arrangement and, given the distance between these windows and the building and the fact that the 45° rule is easily met, this on its own could not justify refusal. However, when account is taken of the height of the proposed building, it is likely to have an oppressive and overbearing impact when seen from the area outside the rear windows of no 28.
- 2.17 Given the topography of the site, what is called the ground floor is seen as being at first floor level at the rear of the building, and the first floor has the appearance of being the second floor. The rear elevation has the following openings above lower ground (effectively ground floor) level. At ground floor (effectively first floor) level there is a full height window with double doors and a Juliet balcony plus a smaller window of conventional height serving the bed/living room of unit 3 (this is the only habitable room for that unit); there is also a full height window with double doors leading to an external balcony, plus a conventional height window serving the bedroom of unit 4. At first floor (effectively second floor) level there is a full height window with double doors and a Juliet balcony plus a smaller window serving the bedroom, and a full height window with double doors leading to an external balcony plus a smaller window in the living/dining room, all serving unit 5. Externally, the visual appearance is the same on both floors. There are also four rooflights in the attic floor bedroom of unit 5. The external balconies are about 1.15m deep and are situated beneath the roof overhang. On the left-hand side (when seen from inside the new building – that is towards 28) they are enclosed by a full-height solid wall. On the other side they have a glazed panel 1.1m high, with the enclosing “wing” wall being at the end of the building, about 3.5m away. The rear edge of the balconies has 1.1m high glazed panels.
- 2.18 Although the privacy of the rear garden of 28 is adequately protected, a person standing or sitting on the external balconies would have a clear view into the rear garden of 24 from an elevated vantage point, including part of the garden within 5m of the rear of the house, which is habitually regarded as being the most “private” and most frequently used part of the garden. This applies to the balconies on both upper floors.
- 2.19 More generally, the cumulative number and size of the window/door openings, and the fact that they serve not only bedrooms but living rooms (and the only habitable

room in the case of unit 4) means that the potential for overlooking the private garden areas of neighbouring properties is likely to be greater than one might normally expect, exacerbated by the level of use of the rooms where the windows are located. It is not only the potential for actual overlooking that is of concern, but also the perception of being overlooked, generated by the overall extent of glazing. These factors are likely to be felt most by the immediate neighbours either side, but will also, because of the elevated position of the whole building, affect other surrounding properties to some degree, including potentially those in Churchill Road to the rear.

- 2.20 The windows proposed for the flank elevations either serve bathrooms or are secondary windows to a kitchen and could be obscure glazed to avoid overlooking and loss of privacy.
- 2.21 Although the proposal would create a series of apartments (as opposed to conventional family housing) this is a normal residential use and there is no reason to suppose that any unacceptable noise or disturbance will arise. Although concern has been raised about the location of the refuse storage area at the front of the site, this is enclosed by fencing and is about 14m away from the closest point of the neighbouring house; it is in an area where a certain amount of activity is to be expected, especially as the majority of houses along this stretch of road (including the existing dwelling at this application site) appear to use their parking areas for refuse bins as well.
- 2.22 Turning to the amenity of future occupiers, the internal layout has been amended from earlier schemes to avoid habitable rooms at the front of the site where there is limited outlook (and that, such as it is, would be of the parking and refuse storage area). The rooms at ground and lower ground floor level at the front of the site are all kitchens. The rear garden will provide a communal open amenity space, including drying areas, accessible to all units albeit that for the upper floors this is via the front entrance and pathways at the side of the building. Units 1 and 3 meet the Nationally Described Space Standards for a one bedroom, one person dwelling; units 2 and 4 meet the standard for a one bedroom, two person unit, and unit 5 meets the standard for a two bedroom, four person, two storey unit.

Highways and Parking

- 2.23 One parking space is provided for each unit, which meets the standard set out in the Core Strategy DM13 and IGN3 and is broadly consistent with NPPF objectives. The spaces are all of adequate size, with the end spaces increased in width. In order to accommodate the parking spaces, the submitted plan indicates that the vehicular cross-over will be increased in width from about 7m to 15.5m. This will have some impact on the space available for on-street parking but, given the proximity of the access to next door's parking area, this is likely to result in the loss of, only one on-street parking space. Notwithstanding that all the anecdotal evidence points to parking locally being under some strain, this is not the level of impact that could be described as "severe" (as referred to in NPPF para 109) and would not justify refusal.
- 2.24 Concern has been expressed at the visual impact of increasing the number of cars parked in the front garden of this property, and the detrimental effect this might have on the street scene and potentially on the outlook from neighbouring properties. I have some sympathy with that view, especially given the elevated nature of the parking areas relative to the houses they serve. However, this is a feature that is already prevalent along this stretch of road and it would be difficult to argue that what is now proposed would be out of character; especially as the

alternative would appear to be a continuation of the on-street parking that already takes place.

Ecology and Habitats

- 2.25 The Conservation of Habitats and Species Regulations 2017, Regulation 63: Appropriate Assessment.
- 2.26 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.
- 2.27 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.
- 2.28 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.
- 2.29 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.
- 2.30 Given the limited scale of the development proposed by this application, a contribution towards the Council's Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.
- 2.31 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 Issues

- 2.32 Concern has been expressed over the potential for the development to cause harm to the integrity of the structure and foundations of neighbouring property. Whilst some aspects of construction activity are capable of being material planning considerations, those particular aspects are technical matters that would be covered under the Building Regulations or, if necessary, dealt with through the Party Wall, etc. Act. As Members will be aware, a loss of property value is not generally a material consideration.

2.33 Some local residents are worried that the erection of purpose-built flats will change the character of the area. Whilst the majority of nearby properties appear to be in single family occupation, there are some purpose-built flats in the wider area and it is also possible that some properties that appear to be single residential properties have been converted internally. The NPPF seeks to encourage more efficient use of urban land and an increase in densities is specifically cited as something that should not be resisted purely on a matter of principle. In this instance, however, it is not the principle of building flats that causes harm, but the way in which this manifests itself in the design and layout of the site and the consequential effects on character and amenity; these are aspects that the NPPF is concerned about.

3. Conclusion

3.1 The site is within the urban confines and the principle of redevelopment for residential purposes is acceptable. The part of the site where the new building is proposed may be regarded as previously developed land and the NPPF encourages appropriate schemes that make more efficient use of such land. However, the NPPF also recognises that this objective needs to be balanced against the need to ensure that developments safeguard the environment, respect the character of the area and achieve a high standard of amenity. NPPF paragraphs 117, 122 and 127 are particularly relevant.

3.2 Whilst in some respects a taller building such as is proposed would make a more meaningful contribution to the street scene than the existing building, there are other elements of the scheme that fail the tests set out in the NPPF. The design and external appearance of the building would appear out of place in the street scene and does not follow the rhythm of other development in the road. The design of the rear elevation does not respect the domestic character of the surrounding development. In addition, the rear balconies would allow unacceptable overlooking of the private garden area of neighbouring property, and the overall number and size of windows on the rear elevation would, taking account of the proposed use of the rooms they serve, be likely to cause an unacceptable loss of privacy to neighbouring properties generally. Because of the elevated position and height of the building, this degree of fenestration would also be oppressive. The height of the building and its proximity to the boundary would also be oppressive and overbearing for part of the external area at the rear of no 28.

3.3 These issues – the failure to respect the character of the area and to safeguard the amenity of neighbouring properties – are the most important in determining this application. In pursuit of sustainable development, paragraph 11(d) of the NPPF requires that where there are no relevant development plan policies to address these issues (as is the case here), planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this instance the adverse effects on the character of the area and on amenity clearly outweigh any benefits that might occur, for example, through a modest increase in housing numbers. On that basis, planning permission should be refused.

g) Recommendation

I. REFUSE PLANNING PERMISSION for the following reasons:

(1) The proposed development, by reason of the unsympathetic design and appearance of the front elevation, would look out of place in the street scene and

fail to respect the character of the area. The design and appearance of the rear elevation also fails to respect the character of the area by reason of the extent of glazing and disposition of window and door openings, which is at odds with the domestic character of neighbouring buildings. For these reasons the development does not meet the objectives of paragraphs 117, 122 and 127 of the National Planning Policy Framework (2019).

(2) The proposed development would cause unacceptable harm to the amenities of neighbouring residential properties through a loss of privacy and overlooking of private garden areas. This is exacerbated by the fact that many of the windows situated above lower ground floor level serve rooms that are likely to be in regular day-time use. The number of large windows situated at height would be oppressive for neighbouring residents. The height of the building and its proximity to the boundary would also be oppressive and overbearing for part of the external area at the rear of no 28. For these reasons the development does not meet the objectives of paragraphs 122 and 127 of the National Planning Policy Framework (2019).

(3) For the reasons cited in reasons for refusal 1 and 2, the adverse effects of granting planning permission significantly and demonstrably outweigh any identified benefits, and the proposal therefore fails the test set out in paragraph 11(d) of the National Planning Policy Framework (2019).

- II. Powers to be delegated to the Head of Planning, Regeneration and Development to settle the wording of reasons for refusal, in line with the issues set out in the report and as resolved by Planning Committee.

Case Officer

Neil Hewett