

- a) **DOV/19/01495 – Erection of a detached dwelling (existing dwelling to be demolished) - The Haven, Deal Road, Sandwich**

Reason for report – Number of contrary views (18 + Sandwich Town 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accord with an up to date development plan or where there are no relevant development plan policies or the policies are out of date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for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.

SPG4 Kent Vehicle Parking Standards

d) **Relevant Planning History**

DOV/19/00848 – Erection of a detached dwelling (Existing bungalow to be demolished) – 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:

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

Environment Agency – Have assessed this application as having a low environmental risk and therefore have no comments to make. The applicant may be required to apply for other consents directly from the EA and is advised to contact the EA to establish whether a consent will be required (contact details included as an informative).

Waste Services – Under point 14 the applicants have advised that refuse and recycling wheelie bins will be kept at the rear of the garage. As long as they can be presented at the front boundary of the property for collection I can see no reason why this wouldn't be acceptable.

Southern Water – Requires a formal application for a connection to the foul sewer to be made by the applicant or developer and suggests an informative in relation to SUDS (included at the end of this report)

Sandwich Town Council – Sandwich Town Council planning committee met on 16th January 2020 to consider this application and decided to refuse this new application as it does nothing to alleviate the concerns previously raised. The proposed development due to its siting and set back from the road, would be out of keeping with the character and appearance of the street scene and would result in an unacceptable loss of light to Ryarsh, Deal Road, contrary to Paragraph 127 of the NPPF

*On receipt of amended plans following the appeal decision of the previous application (DOV/19/00848), consultees made the following representations:*

Environment Agency – Have no comments to make on the amended plans.

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

Southern Water – The comments of the previous response remain unchanged and valid for the amended details.

Sandwich Town Council - The amended application was considered by Sandwich Town Council on 1st June 2020. The Council resolved to recommend that this application be refused; as the amended proposal has not addressed the problems with this development that were originally raised:- the proposed development, due to its siting and set back from the road, would be out of keeping with the character and appearance of the street scene and would result in an unacceptable loss of light to Ryarsh, on Deal Road; contrary to Paragraph 127 of the NPPF.

Waste Services – The changes do not alter my previously submitted comments.

*An amended shadow plan was submitted and was subject to further advertisement and consultation.*

Sandwich Town Council - This application was considered at a meeting of Sandwich Town Council's Planning Committee on the 13th August 2020 and it was resolved to continue to object to this proposal; the "Shadow Path Cast" report does not allay the previous material considerations that have been raised by this Council.

The proposed development, due to its siting and set back from the road, would be out of keeping with the character and appearance of the street scene and would result in an unacceptable loss of light to Ryarsh, on Deal Road; contrary to Paragraph 127 of the NPPF.

#### Public Representations:

18 members of the public have objected to the proposals (as of 15th September 2020) 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.

- Overdevelopment. Too large for plot. Incongruous.
- Overbearing / domineering
- Loss of privacy/ overlooking
- Contravenes Protocol 1, Article 1 and Article 8 of the Human Rights Act
- Overshadowing/ loss of light (particularly to neighbouring conservatory)
- Concerns regarding accuracy of shadow plan & opinion of Herrington Consulting Ltd on 'Shadow on Ground Path Plan' document submitted (questioning software used, information used to produce plots, accuracy, recommending use of 3D model of scheme, quoting BRE Guidelines, opining that a full overshadowing assessment should be carried out)
- Siting of dwelling – crosses 45 degree line and relationship with front site line of other houses in the area, 'creating void', concerns regarding where house will be sited within plot
- Loss of outlook

- Suggestions the development should be moved forwards towards the road to fill void between properties which would be out of character to the street scene and that this would not affect parking. Set back of Ryarsh was so that it would not block flank window of The Haven.
- Concern regarding scale/ height
- Previous plans refused and issues not addressed
- Conflicting statements in application form and design and access statement as to when existing bungalow will be demolished (before or after new dwelling is constructed)
- Suggestions that existing dwelling be demolished first
- Development has not been discussed with neighbouring residents (section 128 of NPPF)
- Sandwich Town Council oppose plans
- Design - fails to conserve and enhance, doesn't blend with surroundings, out of character, unsympathetic design
- Safety concerns – extremely busy road and plans would exacerbate this problem due to increase in traffic and introduction of construction traffic. Poor access and egress – lack of ability for construction traffic to wait and load without blocking the highway or neighbouring driveways – limited parking on road and a bus stop opposite – this would become a pinch point
- Contrary to NPPF (2019) paragraph 8 – fails to achieve the three overarching objectives of the planning system (economic objective, social objective and environmental objective)
- Wildlife impact – application form dismisses conservation and biodiversity without any supporting assessment. Lack of attention of potential impact on birdlife habitat. Existing dwelling provides potential bat roosting habitat. Site is close to countryside and suitable foraging habitat. No assessment of protected species or habitats has been provided – therefore it is not possible for the potential impacts on any species to be assessed, should they prove to be present.
- Contrary to NPPF Paragraph 39 – neither owners nor representatives have sought to engage with neighbouring properties or Councils.
- Contrary to NPPF Para 127 – proposal doesn't provide SUDs strategy, no details of landscaping
- Contrary to Local Development Framework Core Strategy Policies DM8 (replacement dwellings in the countryside), CP5 (DDC has declared a climate emergency – current proposal meeting Building Regulations would not comply with former code of sustainable homes level 5 stipulated by policy)
- Possible land contamination – existing bungalow could contain asbestos due to age

## **1. The Site and the Proposal**

- 1.1 The application site relates to a detached bungalow located on the east side of Dover Road, Sandwich. The site is flat and the bungalow is finished in red brick with a tiled gable roof and white timber framed windows. To the north side of the dwelling is a detached garage and to the front of this is an informal driveway with space to park two vehicles.
- 1.2 The character of this section of Dover Road is varied, containing predominantly two storey detached dwellings. Most are finished in brick, with some having sections of render or cladding. With the exception of Ryarsh, directly to the north of the site, all other properties on this side of the road at this section of Dover

Road have shallow front gardens with no off-street parking. Ryarsh, to the north is a 1 ½ storey detached dwelling set back from the public highway, with a parking area to the front. The site is also bounded by Southview to the south and to the rear (east) is a large non-residential building.

- 1.3 This application seeks permission for the erection of a detached dwelling (existing dwelling to be demolished). The original design proposed was two and a half storeys in height (containing accommodation within the roof level) and featured single storey and two storey rear projections. However, the design has been amended from that originally proposed following the dismissal of an appeal at the site (discussed further in the Planning History of the Site section below).
- 1.4 The proposed detached dwelling would be two storeys in height and would contain 4 bedrooms. It would be finished in light coloured render with a brick base, white uPVC windows and composite doors, a slate roof which would be part hipped and part flat roof. There would be an attached garage to the south side with a part hipped and part flat roof. The dwelling would be set back from the public highway by approximately 11.4m and would have a driveway to the front. There would be no change to the existing vehicular access to the site. The dwelling would measure approximately 9.5m in width and 9.45m in depth and would have an eaves height of approximately 5.3m and ridge of approximately 6.9m, with the flat roof measuring approximately 6.25m in height. The garage would measure approximately 3.45m in width and 9.9m in depth and would have an eaves height of approximately 2.85m and ridge height of approximately 4m. It would project approximately 1.7m forwards of the main front elevation and would be set back approximately 1.2m from the rear elevation. The design and access statement also states that sustainability features will be incorporated in the design.

## **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 and accords with the aims and objectives of the NPPF. It is therefore considered that the principle of a replacement dwelling is acceptable in this location, subject to site specific considerations.

#### **Planning History of the Site**

- 2.3 The most relevant planning history to the site is application DOV/19/00848, for the erection of a detached dwelling (Existing bungalow to be demolished). The proposed detached two storey dwelling contained 4 bedrooms and was to be finished in light coloured render with a brick base, white composite windows and doors and a slate (side to side) gable roof with hipped ends. To the south side, an attached garage with a part hipped and part flat roof was proposed. The dwelling was to be set back approximately 11m from the public highway, with a

driveway to the front and side (with no change to the existing vehicular access). The dwelling measured approximately 9.8m in width and 9.4m in depth and had an eaves height of approximately 5.25m and ridge of 8m. The garage measured approximately 3.2m in width and 7.65m in depth and had an eaves height of approximately 2.8m and ridge height of approximately 3.95m.

- 2.4 The application was considered by Members at Planning Committee on 7<sup>th</sup> November 2019 where the application was refused, contrary to the Officer recommendation, and the decision upheld at appeal. The reason for refusal was:

The proposed development, due to its siting and set back from the road, would be out of keeping with the character and appearance of the street scene and would result in an unacceptable loss of light to the amenities of Ryarsh, Deal Road, contrary to Paragraph 127 of the NPPF.

- 2.5 The Inspector's appeal decision sets out further consideration of the key points of the application. The Inspector considered that, "the proposed development would not be out of place in its immediate context which exhibits a range of design styles and elevational finishes. Indeed, the landscaped set-back and the tiled hipped roof-ends would accord with the adjacent dwelling of 'Ryarsh', and the rendered properties seen further along Deal Road. Moreover, the deeper set back of the proposed dwelling would align with 'Ryarsh' and help to bring a degree of cohesion and retain the built rhythm along Deal Road. Therefore, I conclude that the proposal would accord with the wider character and appearance of the area. For the above reasons, the proposal meets the requirements of Paragraph 127 (c) of the Framework which requires that development is sympathetic to local character and history, including the surrounding built environment".

- 2.6 In respect of the impact on living conditions, the Inspector found that, "The proposed development would be a dwelling of some considerable size and mass in comparison to the existing bungalow. Moreover, despite the hip ends and boundary treatments, it would be closer to the side boundary with 'Ryarsh' than the existing building. As such, the submitted evidence demonstrates that despite the orientation of the building, throughout the day and the course of the year the sunlight and daylight to the rear of 'Ryarsh' would be eroded by the increased height and width of the proposed dwelling, and hence harm the living conditions of the occupiers of 'Ryarsh'. My overall opinion is reinforced by the modest size and proximity of the neighbouring conservatory, that would be overshadowed at various times of the day and year by the scale and bulk of the proposed development. Consequently, the proposal is contrary to Paragraph 127 (f) of the Framework which aims include, amongst other things, that development creates places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users".

- 2.7 As discussed at paragraph 1.3, the design of the proposed development was amended following the conclusions of the appeal decision. The revised design, which was re-advertised and subject to consultation, is more similar to the refused application in respect of the design of the front elevation and the floor plan, however features a hipped roof with section of flat roof, lowering the ridge height of the development by approximately 1.1m.

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

- 2.8 The site is located towards the edge of the settlement confines of Sandwich and the surrounding area is predominantly residential. The character of the street scene in this section of Deal Road is varied, comprising a range of materials and architectural styles, although dwellings are predominantly detached and two storeys in height. The character of the street scene changes towards the north of the site where the road bends towards the east and the site is no longer visible.
- 2.9 The Inspector of the previous appeal decision considered that the set back of the dwelling, in alignment with 'Ryarsh', would help to bring a degree of cohesion and retain the build rhythm along Deal Road. Furthermore, the Inspector considered that the previous proposal, which was similarly finished in light coloured render and a slate roof, would not be out of place in its immediate context, which exhibits a range of design styles and elevational finishes.
- 2.10 The proposed dwelling would be finished in light coloured render with a brick base, white uPVC windows and a slate roof. There are three other properties within this section of Deal Road which are finished in render and it is therefore considered that the use of this material would not be out of keeping with the character of the area. Properties on this side of Deal Road predominantly feature pyramid shaped roofs, with the exception being Ryarsh, located directly adjacent to the site, which has a brown tiled gable roof (side to side ridge) with barn hipped ends. The proposed roof would be finished in slate which would be visually similar to the tiles of other surrounding roofs and would be hipped with a lower, flat roofed section. Due to the positioning of the building, being set back from the highway, there would be limited views of the flat roof, which would be set behind a pitch matching the main slope of the hipped roof. The design of the roof is considered to lessen the visual impact of the dwelling, such that it would be unlikely to dominate or detract from the character of the street scene. The proposed garage would have a hipped roof and would be sited to the south side of the proposed dwelling. Whilst the garage would project forwards of the main front elevation of the dwelling, due to its scale and design, it is considered that it would appear subservient to the main dwelling and would create a visual gap at first floor level between the proposed dwelling and Southview (to the south), similar to the gap between Ryarsh (to the north) and the proposed dwelling. Furthermore, as part of the proposals, low level shrubs and sections of grassed lawn would be planted to the front of the proposed concrete paved driveway. It is considered that this landscaping would soften the visual impact of the dwelling when viewed within the wider street scene and a condition for details of landscaping (including boundary treatments) to be submitted is suggested in the interests of visual amenity.
- 2.11 On balance therefore, it is considered that the proposed development would preserve the character and appearance of the street scene in accordance with Paragraph 127 of the NPPF.

#### Impact on Residential Amenity

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

#### Southview

- 2.13 Located to the south of the site, this two storey detached dwelling has several windows from which the proposed dwelling would be directly visible. The exact internal configuration of the property is not known, however the dwelling has a

single storey rear extension with windows on the rear elevation and rooflight windows on both roof slopes, which are considered likely to serve a dining/living room. There is also an obscure glazed window on the flank elevation of the extension (facing the site) which is believed to serve a WC and another window, set approximately halfway along this elevation which is believed to serve a kitchen. At first floor level of the main dwelling, there is a window on the flank elevation which is believed to serve a staircase/landing and there are additional windows at first floor level on the rear elevation; the closest to the site believed to serve a bathroom.

- 2.14 Due to the siting of the proposed dwelling, entirely to the north of the neighbouring property, as well as the sun path, the development would be unlikely to result in overshadowing or significant loss of light to the residential amenities of the adjacent property.
- 2.15 The dwelling would be set back from the footprint of the existing bungalow such that it would project beyond the rear elevation of Southview. Whilst this would result in some harm to visual amenity, the proposed garage would be sited closest to Southview and would be a single storey in height with a hipped roof. Whilst the depth of the garage has been increased, to project beyond the front elevation of the dwelling, the garage would still be set 1.2m in from the rear elevation of the dwelling, as proposed under the previous application. The two storey dwelling would be set further from Southview and would be finished in light coloured render. Due to the design and appearance of the dwelling, as well as the staggered depths of the proposals, the development is considered, on balance, unlikely to have a significantly overbearing impact on the residential amenities of the adjacent occupiers.
- 2.16 With regard to impact on privacy, the proposed elevations show that the two first floor windows on the southeast elevation of the dwelling would be fitted with obscure glazing. These windows would serve a bathroom and en-suite bathroom (non-habitable rooms) which would be used sporadically, rather than for prolonged periods of time. Nonetheless, in the interests of the privacy of the adjacent occupiers, a condition is suggested to ensure that these windows be fitted with obscured glazing and be non-opening below 1.7m from the internal floor level. The proposed dwelling would also feature windows on the rear elevation at ground and first floor level. Whilst the upper floor windows (which would serve bedrooms) would afford occupants some views across neighbouring gardens, the primary view would be the garden of the application site itself. On balance therefore, the proposals are considered unlikely to result in significant harm to the privacy and residential amenities of the occupiers of Southview in accordance with Paragraph 127 of the NPPF which relates to amenity.

### Ryarsh

- 2.17 Located to the north of the application site, this detached two storey dwelling has no windows on the flank (south) elevation, however has windows on the front and rear elevations, as well as a glazed conservatory to the rear.
- 2.18 Due to the siting and design of the proposed dwelling, which would be almost aligned with Ryarsh and set approximately 5.3m from Ryarsh, the proposals are considered unlikely to have a significantly overbearing impact on the residential amenities of the neighbouring property.

- 2.19 In respect of privacy, the proposed dwelling would have two windows and a door on the flank elevation, with the windows being fitted with obscured glazing. The windows would serve an en-suite bathroom and WC (both non-habitable rooms). As stated above at section 2.16, a condition is suggested to secure the use of obscured glazing in the interests of privacy. The proposed dwelling would have windows at ground and first floor level on the rear elevation, where the primary outlook would be the rear garden of the application site. There would be some views across the neighbouring garden due to the elevated positioning of the windows, however this is on balance, considered unlikely to result in significant harm to the privacy of the adjacent occupants.
- 2.20 The proposed dwelling would be sited to the south of Ryarsh and would therefore result in shadow being cast towards this neighbouring property throughout the day. Through the mornings, the shadow would mostly fall on the flank elevation of the neighbouring dwelling, which has no windows and would therefore be unlikely to result in significant harm. However, during the afternoons and evening, the shadow would fall towards the rear half of the neighbouring dwelling and would result in some loss of light to the glazed rear conservatory. During the course of the application, the professional opinion of daylight and sunlight consultants Herrington Consulting Ltd. was submitted as part of a third-party response in relation to a shadow study submitted. The consultant did not undertake any comparative study, but questioned the software used to produce the study, the information used to produce the shadow on the ground plots (which did not include the full massing of the proposed dwelling – in particular the hipped roof, and was produced using a 2D plan, rather than 3D plan which they considered would better visualise the extent of the overshadowing caused by the proposed development), the date of the shadow plots (as the conservatory is mostly used during the winter months, rather than the month plotted), recommending that a full overshadowing assessment should be carried out. Following this, a revised shadow path study for March 21<sup>st</sup> was submitted by the agent and re-advertised accordingly.
- 2.21 A shadow path diagram for 21<sup>st</sup> March was submitted in support of the appeal of the previous application (DOV/19/00848), which showed that shadow from the barn hipped roof would be cast across the conservatory of the neighbouring property from 12pm until 3pm. The appeal Inspector found that the sunlight and daylight to the rear of 'Ryarsh' throughout the course of the year would be eroded by the increase in height and width of the building (compared to the existing scenario), harming the living conditions of the occupiers of this neighbouring property. It was stated that, "My overall opinion is reinforced by the modest size and proximity of the neighbouring conservatory, that would be overshadowed at various times of the day and year by the scale and bulk of the proposed development. Consequently, the proposal is contrary to Paragraph 127 (f) of the Framework which aims include, amongst other things, that development creates places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users".
- 2.22 The shadow path study submitted in support of the current scheme shows that a small area of shadow would be cast across the southernmost section of the neighbouring conservatory from 11am until (and including) 2pm. The area cast in shadow is less than that shown on the shadow plan in relation to the previous scheme (DOV/19/00848). Furthermore, the current proposal would be set approximately 5.3m from Ryarsh (approximately 0.2m further away than previously proposed under application DOV/19/00848), separated by planting and vegetation as well as the boundary fencing and vegetation which forms the

dividing boundary. The dwelling would have a part hipped and part flat roof, the overall ridge height being approximately 1.1m lower than that previously refused. Due to the introduction of the lower, flat roofed section, the massing of the proposed roof is reduced from that previously refused (which was a pitched roof with barn hipped ends), lessening the impact on the neighbouring conservatory. It is considered that the changes made to the proposal (since the previous appeal) and as evidenced through the reduced impact illustrated on the shadow plan, are on balance, sufficient to address the previous concerns. The proposal would result in some overshadowing but not to an extent that would be so injurious to the living conditions of the adjoining occupiers to warrant the refusal of the application on this ground.

#### Other Nearby Dwellings

- 2.23 The proposals would be visible from a number of other dwellings, particularly those to the south of the site. Whilst the first floor windows of the proposal would provide some views across neighbouring gardens, the views would be of the rear-most part of these gardens, rather than the private garden areas immediately to the rear of the dwellings. As such, the development is considered unlikely to result in significant harm to the privacy of surrounding residents. Furthermore, due to the siting and scale of the proposals, the development would be unlikely to result in overshadowing or loss of light to other nearby properties. Whilst the proposal would be visible from the windows and gardens of other properties, due to its design and appearance, it is considered unlikely to result in an overbearing impact on the residential amenities of nearby occupants and would accord with the objectives of Paragraph 127 of the NPPF in respect of impact on amenity.

#### Amenity of the Proposed Occupiers

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

#### Other Material Considerations

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

- 2.25 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.
- 2.26 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.

- 2.27 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.
- 2.28 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.
- 2.29 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.
- 2.30 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

#### Other Matters

##### Impact on Parking/Highways

- 2.31 The proposals would involve the creation of a parking area to the front of the dwelling (on the site of the existing bungalow) which would provide space to park at least two vehicles. This would accord with the requirements of Policy DM13 – Parking Provision. Furthermore, an additional vehicle could be parked in the attached garage. No changes are proposed to the existing vehicular access to the site and as such, the development is considered unlikely to result in significant harm to highway safety, subject to suggested conditions requiring the provision and retention of the parking area and measures to prevent the discharge of surface water onto the highway.
- 2.32 Many objectors address concerns relating to the timing of the demolition of the bungalow. The proposed dwelling would be constructed prior to the demolition of the existing bungalow, with only the rear projection to the bungalow being demolished prior to construction of the new dwelling. It is likely that builders' vehicles and delivery vehicles would need to park on the public highway and as such, this would result in increased parking pressure during the construction period. Furthermore, the proposed driveway could not be completed until the existing bungalow has been demolished and therefore it is likely the occupants would need to park on the public highway until this has been completed. No details of the proposed parking arrangements for construction vehicles, workers vehicles or delivery vehicle parking have been submitted and it is therefore considered appropriate to suggest that a condition for a construction management plan to be submitted is imposed. Furthermore, in order to ensure the timely demolition of the remains of the bungalow, it is considered appropriate

to impose a condition for its demolition within 1 month of the completion of the new dwelling.

#### Impact on Flood Risk

- 2.33 The application site is located in Flood Zones 1 and 2, with the proposed dwelling being located in Flood Zone 1, which has the lowest risk from flooding. No bedrooms or sleeping accommodation would be located on the ground floor level of the property and the Environment Agency has been consulted, advising that the application has a low environmental risk. Nonetheless, a condition for details of surface water disposal to be submitted is suggested. Subject to this, the development is considered acceptable in this regard.

#### Ecology/Wildlife

- 2.34 Public representations received have suggested the potential for bats to be present within the existing bungalow (to be demolished). No evidence of bats being present within the building was apparent at my site visit. Nonetheless, bats are a European protected species, protected under The Conservation of Habitats and Species Regulations 2017. Further guidance, including when a licence is required, is available from Natural England and an informative is suggested at the end of this report.

### **3. Conclusion**

- 3.1 The application site is located within the settlement confines and the proposed erection of a dwelling is considered acceptable in principle in this location. A previous application for the erection of a dwelling at the site was refused and dismissed at appeal, with the Inspector concluding that the dwelling would not be out of place in its immediate context due to the range of design styles and elevational finishes. It was considered that the deeper set back of the proposed dwelling would align with 'Ryarsh' and help to bring a degree of cohesion and retain the built rhythm along Deal Road. For these reasons, the Inspector concluded that the proposal would accord with the wider character and appearance of the area. The current development proposal is also set back from the public highway in alignment with Ryarsh, finished in light coloured render with a slate roof (the same materials as previously proposed). Due to its scale, siting and design, the proposal is considered to preserve the character and appearance of the street scene.
- 3.2 On the previous scheme, the Inspector found that due to the size and mass (in comparison to the existing bungalow), despite the hip ends and boundary treatments, the proposed dwelling would be closer to the side boundary with 'Ryarsh' than the existing building. Throughout the day and the course of the year the sunlight and daylight to the rear of 'Ryarsh' would be eroded by the increased height and width of the proposed dwelling, and hence harm the living conditions of the occupiers of 'Ryarsh'. The current development proposal features a hipped roof with lower ridge height and section of flat roof which reduces the roof massing and lessens the impact on the amenities of Ryarsh from that previously refused. Consequently, and on balance, the proposals are considered unlikely to result in significant harm to the residential amenities of the surrounding residents. Subject to the conditions suggested below, it is considered that, on balance, the proposed development would accord with the aims and objectives of the NPPF.

**g) Recommendation**

**I PERMISSION BE GRANTED subject to conditions:**

(i) Standard time condition, (ii) list of approved plans (iii) samples of materials (iv) demolition of the existing bungalow within 1 month of the completion of the new dwelling (v) details of soft and hard landscaping (including boundary treatments) and schedule of planting (vi) submission of a construction management plan (vii) provision and retention of the parking area (viii) measures to prevent the discharge of surface water (ix) details of surface water disposal (x) removal of PD rights (Classes A, B and C) (xi) restricting PD rights for the insertion of windows on the flank elevations of the dwelling (xii) requiring windows on the flank elevations to be fitted with obscured glazing and be non-opening below 1.7m from internal floor level

**II Informatives:**

**KCC Highways and Transportation**

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

**Environment Agency**

The applicant may be required to apply for other consents directly from us. The term 'consent' covers consents, permissions or licenses for different activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them. The applicant should contact 03708 506 506 or consult our website to establish whether a consent will be required. <https://www.gov.uk/environmental-permit-check-if-you-need-one>

**Southern Water**

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The disposal of surface water from this development should be in compliance with the following hierarchy of Part H3 of Building Regulations:

- a) An adequate soakaway or some other adequate infiltration system.
- b) A water course.
- c) Where neither of the above is practicable: a sewer. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: [www.southernwater.co.uk](http://www.southernwater.co.uk) or by email at: [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk)

#### Bats

All bats and their roosts are given full protection under the 1981 Wildlife and Countryside Act (as amended) and the Conservation of Habitats and Species Regulations 2017. Should any bats or evidence of any bats be found prior to or during works, works must stop immediately, and Natural England contacted for further advice before works can proceed. This is a legal requirement and applies to whoever carries out the work. All contractors working on site should be made aware of it and provided with Natural England's contact phone number 0300 060 3900 or email address [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk)

- III Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

#### Case Officer

Rachel Morgan