

- a) **DOV/20/00524 – Erection of a first-floor extension to existing garage to facilitate conversion to a detached dwelling and creation of parking - The Manor, 22 The Street, West Hougham**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

- CP1 – West Hougham is a village suitable for a scale of development that would reinforce its role as a provider of services to its home and adjacent communities
- DM1 - Development will not be permitted on land outside the urban boundaries and rural settlement confines unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.

National Planning Policy Framework 2019 (NPPF)

- Section 5 is relevant as it seeks the delivery of a sufficient supply of homes, including the size, type and tenure of housing need for different groups in the community.
- Section 12 is relevant as the proposal should seek to achieve well-designed places ensuring that development will function well and add to the overall quality of an area, be sympathetic to local character and history and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- Paragraph 172 - Great weight given to conserve and enhance landscape and scenic beauty in Areas of Outstanding Natural Beauty (AONB).

The Kent Design Guide (KDG)

The Guide provides criteria and advice on providing well designed development that takes into account context.

National Design Guide 2019

This Guide provides detail and advice on how to achieve well-designed places as required by the NPPF. In this case, relevant to the determination of the application is the need to ensure that communities have a mix of home tenures and that communities are socially inclusive.

- d) **Relevant Planning History**

None relevant.

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

Hougham Parish Council: The Council does not support this application by reason of the impact on neighbouring properties including the impact on light and views, in addition to concerns about highway safety and extra traffic.

Kent Highways: The development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

Southern Water: Seeks to determine the exact location of sewer pipes on the site and requires a formal application to connect to the foul sewer.

Public Rights of Way Officer: No comments.

Public Representations:

There have been six responses to the public consultation of the application; raising objections to the proposal. In summary, these objections refer to overdevelopment, overbearing impact, loss of light, overlooking and loss of privacy, harm to highway safety; lack of on site parking, overflow parking on the highway and the insufficient width of the access, noise and disturbance during the construction of the development and inaccuracies in the application submission.

- f)
1. **The Site and the Proposal**
 - 1.1 The application site falls within West Hougham village confines. It forms part of the curtilage of No.22 The Street which is an extended two storey house location to the rear of Nos.24-26 The Street. Its garden extends the width of Nos.24-30 The Street. Access to the site is from the Street, along a straight driveway between No.24 and "Barley House".
 - 1.2 On the western side of the main house is a detached double garage, located some 1m-1.2m from the side boundary. This garage is the subject of this application.
 - 1.3 To the west of the application site is a modern development of two storey houses called "Chequers Court". This development has an access from The Street which serves the two properties at the front of the site and three properties to the rear, with a small courtyard between them. Malt House is located adjacent to the boundary of the application site and will be the closest property to the proposal. It comprises a single storey and two storey development that fronts the courtyard area of the development. Planning permission was granted in 2018 to convert the single storey element of this house into an annexe. Barley House fronts onto The Street, with its rear garden area adjacent to the courtyard, in front of Malt House.
 - 1.4 The application garage is visible from The Street at the point of access, but otherwise it is set back from the road frontage and not overtly visible. The street scene comprises an eclectic mix of property types and styles, with development also built in depth.
 - 1.5 To the rear of the application site, a Public Right of Way ER198 runs along the back of the property in an east-west direction.
 - 1.6 The proposal seeks to convert and extend the detached double garage to form a dwelling. The ground floor would comprise a kitchen and lounge, with access to

a rear garden area and the first floor, within the roof, would accommodate two bedrooms located at the front and rear of the building. A dormer window is proposed in the east facing roof slope – looking towards the existing house, which will accommodate a bathroom.

- 1.7 Amended drawings have been received that show the location of two parking spaces – one to the front and one to the side of the new dwelling and the front window, serving Bedroom 2, being changed in design to that of an ‘v-shaped’ oriel window, proposing the installation of obscure glazing in one panel which would face toward Barley House.
- 1.8 The proposed dwelling would be rendered, coloured white, with cream coloured cedar cladding on the upper floor, with a clay roof tile.

2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact upon the character and appearance of the area
- The impact upon residential amenity
- Other considerations

Principle of Development

- 2.2 The application site falls within the village confines of West Hougham. As such, under Policies CP1 and DM1, the erection of a dwelling within the settlement boundary is acceptable in principle.
- 2.3 In March 2017 DDC Cabinet agreed to commence the review of the Core Strategy (CS) and Land Allocation Action Plan (LALP) through the preparation of a single local plan. The decision to review the CS and LALP is an acknowledgement that in some cases the evidence base is out of date. It is also recognised that some of the detailed policies applicable to the assessment of this particular application (including Policies CP1 and DM1) are to various degrees, now considered inconsistent with aspects of the NPPF and as such are out-of-date. That does not mean however that these policies automatically have no or limited weight. They remain part of the Development Plan and must therefore be the starting point for the determination of the application. Furthermore while the overall objective of a policy might be held out-of-date, greater weight can nevertheless still be applied to it depending of the nature/location of the proposal in question and the degree to which the policy (in that limited context) adheres to and is consistent with the policy approach in the NPPF.
- 2.4 With regard to this particular application, the focus of the NPPF is to locate new housing development within suitably sustainable locations. Supporting the principle of new housing within the village confines would be consistent with Paragraphs 78 and 79 of the NPPF, which seek to locate housing where it will enhance or maintain the vitality of rural communities and to avoid the development of isolated homes in the countryside.

- 2.5 As such, the principle of allowing housing development in this location is compatible with the objectives of the Development Plan and the requirements of the NPPF.

Impact upon Character and Appearance and AONB

- 2.6 The proposed development, in effect, seeks to retain the existing overall design and appearance as the existing garage, but to increase its depth (from 5.5m to 11.5m) and height (from 4.5m to 6.5m). The width of the building would remain the same (6m). The increase in height will be achieved through increasing the height of the flank walls, with the roof pitch leading to the ridge line in the centre of the building. A small dormer window would also be provided.
- 2.7 Set back from the road, with limited views available from The Street, it is not considered that this change in scale would either affect the visual quality of the street scene or the prevailing character and appearance of the area. An additional dwelling in this location is also not considered to be out of keeping, due to the development in depth already within the surrounding area. The use of materials and finishes would not be out of keeping with the existing development or the overall palette of materials in the surrounding area.
- 2.8 The existing building and the proposed building, along with the village, fall within the AONB. The proposal would be visible from the PROW to the rear of the site. However, the proposal does not seek to extend the building beyond the existing curtilage of the main house or beyond its rear building line. Whilst the scale of building would increase, its height would not exceed the height of the buildings on either side. As such, it is not considered that the proposal would cause harm to the landscape and scenic beauty of the AONB, or the prevailing character and appearance of the area.
- 2.9 In conclusion, on this issue, the proposal would meet the objectives of good design as set out in Section 12 of the NPPF and would preserve the AONB as required by paragraph 172 of the NPPF.

Residential Amenity

- 2.10 The proposed development increases the scale of the development in close proximity to the side boundary and adjacent property - "Malt House". There are windows in the side elevation of that property, within its single storey element (annexe) serving (it is believed) a kitchenette and wet room and on the ground and upper floors within the two storey element. The ground floor windows/door appear to serve an office and utility room. The increase in the height of the eaves of the proposed garage, by some 1.2m, will result in an eaves height above the eaves of the single storey element of Malt House. It is not considered that this increase in height of the flank wall of the garage would have a material impact upon these windows or the side garden area of that property. The pitch of the roof runs away from the side boundary such that its highest part is some 4m from the side boundary. Whilst there may be some change in impact, it is not considered that the resulting change would cause an overbearing impact upon the windows in the adjacent property.
- 2.11 The location of the proposed building would not have an impact upon the rear elevation of Malt House, as it does not project as deep. There are no windows in the side elevation of the proposed dwelling that might give rise to concerns regarding overlooking.

- 2.12 With regard to Barley House, the initial drawings caused concern to officers with regard to the potential for overlooking into the rear elevation and single storey rear projection of that property – and the proximity and orientation of its garden. Whilst the rear garden and rear elevation are visible from Malt House, it is considered that the first floor window of the proposed garage might have increased overlooking and loss of privacy. To address this, the amended drawings show an ‘v-shaped’ oriel window, such that the glazing panel looking toward the rear of Barley House would be obscure glazed and fixed shut. This should ensure that direct overlooking towards the rear of Barley house would not take place – so that the living conditions of its occupiers would be safeguarded.
- 2.13 With regard to the rear of properties Nos.22-4 The Street, the building would be some 29m-30m from the principal rear elevations of those dwellings, which is a sufficient distance to avoid undue loss of privacy. In addition, the ‘v-shaped’ window also assists in reducing the window to window intervisibility with No.24.
- 2.14 Finally, the proposed accommodation has windows serving habitable rooms and a rear garden area – which should ensure that the level of accommodation is of a reasonable standard.
- 2.15 In conclusion, it is considered that the proposal would not be unduly harmful to the living conditions of the occupiers of adjacent properties and would provide a reasonable living environment for the future occupiers of the proposed dwelling.

Other Matters

- 2.16 The site is located within the area where the development is likely to have a significant effect on the Thanet Coast and Sandwich Bay Special Protection Area (SPA). Applying a pre-cautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within the district, to have an adverse effect on the integrity of the protected SPA and Ramsar sites. Following consultation with Natural England, the identified pathway for such an adverse effect is an increase in recreational activity which causes disturbance, pre-dominantly by dog-walking, to the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.17 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. For proposed housing developments in excess of 14 dwellings the SPA requires the applicant to contribute to the Strategy in accordance with a published schedule. This mitigation comprises several elements, including monitoring and wardening.
- 2.18 Having regard to the proposed mitigation measures and the level of contribution currently acquired from larger developments, it is considered that the proposal would not have an adverse effect on the integrity of the SPA and Ramsar sites. The mitigation measures will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.
- 2.19 With regard to the public comments received regarding highway safety, the proposal provides two off street parking spaces, which is considered acceptable for the proposed two bedroom accommodation. It has not been demonstrated

with any evidence that the existing access is either not safe, or the additional dwelling would give rise to congestion or a cumulative harm to highway safety.

- 2.20 The concerns with regard to construction noise and disturbance could be dealt with by way of a condition and it is considered that in view of the width of the access and the lack of on street footways, a Construction Management Plan is necessary to address the potential impact from the construction of the proposal.

3. **Conclusions**

- 3.1 There is a need for new housing development that is in a sustainable location. The application site is located within the village confines and its location would meet the requirements of the Development Plan and is supported by the NPPF. Even so, there remains the requirement to ensure that the 'tilted balance' is applied to this application, as the Development Plan policies are out of date. Applying the approach in Paragraph 11 of the NPPF it is considered that the proposed development would not have an adverse impact.
- 3.2 Whilst the concerns of local residents have been taken into account, it is considered that the proposal would not cause undue harm to residential amenity, highway safety or the other matters raised.
- 3.3 In conclusion, and applying the 'tilted balance', it is considered that the proposal is in a suitably sustainable location within the village and is consistent with the objectives of the NPPF to locate development in the rural areas that would enhance or help to maintain the viability of rural communities. As such, the proposal should be supported.
- 3.4 A number of conditions are recommended as needed to help minimise the impact of the proposal. With these safeguards in place it is considered that the proposal should be supported as a sustainable form of development in a suitably sustainable location.

g)

Recommendation

- I PERMISSION BE GRANTED with the imposition of the following conditions:
- i) 3 year time limit to commence development.
 - ii) The development to be in accordance with the submitted drawings.
 - iii) Full details to be submitted of how the development will dispose of foul and surface water drainage
 - iv) The proposed development to be carried out in accordance with the submitted materials for the external finishes of the building.
 - v) The access, parking spaces and refuse storage areas to be provided and retained as shown.
 - vi) Covered sheltered cycle spaces to be submitted for approval and retained.
 - vii) Obscure glazing to be provided within the front window and for it to be fixed shut.
 - viii) No additional windows on the building to be permitted.
 - ix) Permitted development rights removed to extend, alter the roof or to erect an outbuilding.
 - x) Boundary enclosures to be submitted for approval.
 - xi) Construction Management Plan to be submitted for approval.

- II Powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee.

Case Officer

Vic Hester