

a) **DOV/20/00933 – Erection of a gazebo - The Old Rectory, Mongeham Church Close, Great Mongeham**

Reason for report – Number of third party contrary views (24, within the consultation period).

b) **Summary of Recommendation**

Planning permission be GRANTED.

c) **Planning Policy and Guidance**

Statute

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM15 - Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 - Generally seeks to resist development which would harm the character of the landscape, unless it is in accordance with a Development Plan designation and incorporates mitigation measures, or can be sited to avoid or reduce the harm and/or incorporates design measures to mitigate the impacts to an acceptable level.

National Planning Policy Framework (2019) (NPPF)

- Paragraph 2 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
- Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
  - a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open

- spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- Paragraph 11 - Plans and decisions should apply a presumption in favour of sustainable development...

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- Paragraph 127 - Planning policies and decisions should ensure that developments:
    - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
    - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
    - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - Paragraph 189 - In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
  - Paragraph 190 - Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

- Paragraph 193 - When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- Paragraph 196 - Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

### Other

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66(1) – Listed buildings

The Old Rectory – Grade II – 1261552.

Listed 1 June 1949, amended 8 February 1974.

NORTHBOURNE ROAD 1. 1035 GREAT MONGEHAM The Old Rectory (Formerly listed under Church Hill) TR 35 SW 6/151 1.6.49. II 2. C18. 2 storeys and attics red brick. Hipped tiled roof with 3 dormers. Eaves cornice with modillions. Brick stringcourse above ground floor. 3 sashes. Doorcase with pilasters and entablature, 4 panel moulded door and thin rectangular fanlight.

Listing NGR: TR3460451536

Section 72(1) – Conservation areas

Great Mongeham – Church Area – designated 6 November 1970

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

DOV/20/00934 – (Listed building consent) – Erection of a gazebo – PERMISSION NOT REQUIRED.

DOV/20/00589 – Change of use of land for wedding and events venue with marquee, erection of a single storey outbuilding (existing brick built garden shed to be demolished) – AWAITING DETERMINATION.

DOV/20/00590 – (Listed building consent) – The erection of a single storey outbuilding attached to the north east corner of the walled garden. Existing shed demolished. The works include formation of new door access through garden well – AWAITING DETERMINATION.

17/00256 – Conversion of outbuilding to ancillary accommodation and the insertion of new window and door – GRANTED.

DOV/93/00310 – Construction of detached swimming pool & games room – GRANTED.

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

Kent County Council Public Rights of Way & Access Officer – Considered, no comments.

KCC Archaeology – No comment received.

Great Mongeham Parish Council – “The Parish Council strongly object to this application as they believe this structure would be out of keeping with the Conservation Area that

The Old Rectory is within and out of keeping with a listed Building. The Parish Council are also concerned that the Gazebo structure is required to facilitate the change of use of land for a wedding venue which they also object to on the grounds of the siting of a wedding venue here would lead to traffic problems for local residents as Mongeham Church Close is a single track, narrow residential close and there also concerns that noise generated by the entertainment and guests would be unfair for local residents. It was felt to be the wrong place for such a venue.”

#### Public comments – 23x objections, 34x support

##### *Objections*

The majority of objecting comments make reference to this proposal being linked to the separate application for a wedding venue. Further to this, is it believed that the gazebo will be out of keeping with the Grade II Listed building and the Conservation Area in which it is situated. It is also mentioned that the colour and height of the gazebo will be highly visible from popular nearby paths.

##### *Support*

There are 34 comments in support of this application. The majority of these comments consider that the structure will be a beautiful architectural addition to the Old Rectory. Further to this, and the ongoing situation with Covid-19, it would be good to allow more space for social distancing, and for guests to eat breakfast outside. Comments also suggest that this is also a very minor development, and would not have an impact on any of the neighbouring properties.

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

- 1.1. The application relates to the curtilage of a Grade II listed detached two storey dwelling located to the north of Mongeham Church Close in Great Mongeham. The site is located within the Great Mongeham Church Area Conservation Area. This property is finished in red brick with white windows and doors, and a hipped tiled roof with three dormers. The building is currently used as a Bed and Breakfast venue.
- 1.2. The site is within the village confines of Great Mongeham. The principle elevation faces Mongeham Church Close, and contains a gravelled parking area. There is also an outbuilding in this car park, which is west of the host dwelling. This former cart shed has been converted into ancillary living accommodation.
- 1.3. The Old Rectory is bound by St Martin’s Church to the east, and Wells End to the south. There are also two walled gardens which are 2.45m high, one to the northwest side of the building and the second to the rear, northeast of the building. Immediately north west of the walled garden is open countryside. The area is quiet in nature, comprising a mixture of single storey and two storey dwellings which are both detached, and semi-detached.
- 1.4. The application is for the erection of a gazebo, with a faux classical design incorporating columns. This would be located in an existing walled garden area situated to the northwest of the main dwelling. The total height of the gazebo will be 2.99 metres, with an external diameter of 4.7 metres. This is intended to be used as an external sitting area and potential external eating area. The columns are to be made of reconstituted Portland stone and will have a grey, fibre glass covered roof. This is to be situated on an existing terrace area used for seating and outside eating.

#### **2. Main Issues**

2.1. The main issues to consider are:

- Principle of development.
- Design, street scene and visual amenity.
- Residential amenity.

### **Assessment**

2.2. Principle of Development

The site is located within the village confines of Great Mongeham (Policy DM1). Subject to design and any material considerations, the proposal is therefore acceptable in principle.

2.3. Design, Heritage and Rural Amenity

The proposed gazebo would be sited in the walled garden to the northwest of the main building. It would be built in a faux classical style with columns laid out in a circular colonnade. These would be covered by a fibreglass roof. The design, while not necessarily taking cues from any local influence, is considered to be of an acceptable standard, which could easily be incorporated within the wider garden.

2.4. In terms of the street, the gazebo would not be visible, so there is no impact anticipated in this regard.

2.5. In terms of the conservation area the only place that views are likely to be achieved are from the open countryside looking in. The nearest footpath, ED51, provides views at a distance of around 265 metres, and even then, these would be of the top 0.54 metres which protrudes over the boundary wall. In this limited context, it is considered that there is no harm to the conservation area. The proposal is considered to comply, on this basis, with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2.6. In terms of the listed building, following informal discussion with the heritage officer, it is considered that there is no harm arising to the setting of the listed building, primarily due to the distance at which the proposed gazebo is set away from the building (30 metres) and its location within a walled garden, meaning that no direct visual context would be drawn between the two elements. The proposal is considered to comply, on this basis, with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2.7. In respect of the impact on the open countryside, for the reasons addressed above, the proposed structure is not considered to result in harm to the countryside, and therefore, is considered compliant with policies DM15 and DM16 of the Core Strategy.

2.8. Accordingly, the proposed gazebo is considered not to conflict with the aims and objectives of the NPPF.

### **Residential Amenity**

2.9 Due to separation distances, and the limited scale of the proposal, the gazebo is not considered to cause any harm to the amenity of neighbouring residents.

3. **Conclusion**

3.1 Many comments have been received in relation to the concurrent application DOV/20/00589, proposing to change the use of The Old Rectory to allow it to operate as a wedding venue. Many of these comments link this proposal and object on that basis. This application considers the gazebo as a standalone proposal, albeit noting the application for change of use. Due to its form, siting and scale, the proposal is considered to be acceptable in relation to its design, street scene, heritage and rural impacts. While the principle of the proposal is considered to be acceptable, paragraph 11 of the NPPF is nevertheless a relevant consideration – it requires that permission is granted unless the adverse impacts of doing so demonstrably outweigh the benefits. It is not considered that there are any undue adverse impacts arising from this proposal, and accordingly, the recommendation is to grant permission.

g) **Recommendation**

- I. Planning permission be GRANTED, subject to conditions including the following:  
(1) Time limit (2) Approved drawings (3) Materials and finish, including colour (4) Levels.
- II. That powers 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**

Alice Pitts