

- a) **DOV/20/00468 – Erection of two detached dwellings, associated parking and creation of new, and widening of existing, vehicle access (existing bungalow and garage to be demolished) - 62 Canterbury Road, Lydden**

Reason for report – Number of contrary views (11 Public Representations)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010)

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM11 – Development that would generate 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 an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.

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accord with an up to date development plan or where there are no relevant development plan policies or the policies are out of date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for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.

Kent and Medway Structure Plan (2006) - SPG4 Kent Vehicle Parking Standards

d) **Relevant Planning History**

There is no relevant planning history for the site.

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

Representations can be found in full in the online planning file. A summary has been provided below:

Lydden Parish Council – This proposal for 2 detached dwellings would provide for a much-needed additional home in the village and are designed to complement the surrounding context. Therefore, after considering the submitted drawings and relevant information, the Lydden Parish Council would have no objections to this application. This planning application review was produced by the Planning Sub Committee of the Lydden Parish Council and is considered as the holistic view of Parish Council respectively.

KCC Highways and Transportation – Initially noted that the proposals included an additional access which required visibility splays of a 2.4m wide strip across the site frontage with no obstructions over 1m above carriageway, noted that garages are not counted as providing acceptable vehicle parking however could provide cycle parking, suggested a number of conditions and an informative. On receipt of revised plans, noted that the garages had been removed and cycle parking would need to be separately provided and could be covered by a condition. Subject to the following being covered by condition, they raised no objections in respect of highways matters: provision of measures to prevent the discharge of surface water onto the highway, provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing, all Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw)

and SMART (enabling Wifi connection), approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>, use of a bound surface for the first 5 metres of the access from the edge of the highway, provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority, completion of the access shown on the submitted plans and the associated necessary vehicle crossing in the footway, prior to the use of the site commencing, provision and maintenance of a visibility strip measuring 2.4 metres in width from the edge of carriageway along the site frontage with no obstructions over 1 metre above carriageway level within the splays, prior to use of the site commencing, provision and maintenance of 1 metre x 1 metre pedestrian visibility splays behind the footway on both sides of each access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

Southern Water - requires a formal application for a connection to the public foul sewer to be made by the applicant or developer and suggested an informative accordingly. On receipt of revised plans confirmed that their previous response remained unchanged and valid for the amended details.

Public Representations:

12 letters of objection to the proposals, 2 letters neither objecting to or supporting the application and 24 letters of support were received (as of 20th October 2020) and the material considerations are summarised below. Matters such as impact on an individuals' property value and loss of views are non-material considerations and are not included below.

Summary of Comments in Objection

- Application form – errors and omissions. Section 6 – believe an asbestos survey should be carried out and removed in accordance with guidelines. Section 7 – feel that existing boundary treatments should be recorded, applicant has verbally confirmed existing hedge, wall and fence between No 62 and No 64 will not be removed, ensuring privacy and protecting garage foundations. Section 8 – should answer yes to new or altered vehicular access. Section 10 – should answer yes to trees or hedges on the proposed development site. Section 15 – question if development will involve trade waste when existing building is to be demolished and disposed of. Section 16 – existing property was a 3 bedroom bungalow when sold, not a 4 bedroom bungalow.
- Drawing errors – No. 64 Canterbury Rd is shown against boundary line however there is an access way down the side of the single storey side extension. Left hand boundary is shown as bent line whereas the Land Registry record shows a straight line along this boundary.
- Overlooking/loss of privacy
- Loss of light/overshadowing
- Loss of privacy
- No positional or setting out dimensions of the builds within the plot or information of gradients or floor levels/heights.
- Concerns regarding proposed boundaries, ownership and replacement.
- Impact during construction – concerns regarding parking and unloading, storage and times of deliveries, noise and disturbance/disruption during construction

- Highways safety concerns –Site is located on narrow section of Canterbury Road on a blind bend. Vehicles frequently exceed 30mph limit. Parking of vehicles on this side of road disrupts traffic flow including busses and has resulted in accidents in the past. Concerns as large vehicles (including busses and Chunnel plant) use the road.
- Public safety concerns - narrow footpath and if vehicles were parked along this stretch of road it would create hazard in respect of pedestrian safety.
- Housing stock availability – during last 12 months there has not been a housing shortage or excessive demand for 4 bedroom family homes in Lydden or in many of the surrounding villages within the district. Shortage of housing stock for affordable homes, which this development is not.
- Impact on existing services/infrastructure – increase from 3 bedrooms (existing) to 8 bedrooms in total. Concerns that existing drainage system is not sufficient for the proposed development. Drains cross neighbouring gardens. Concerns regarding water supply being out of use and loss of water pressure.
- Surface water – floodwater that runs off Canterbury Road can be an issue – has consequence of constructing a sloping hard-standing driveway to front of plots been considered & impact on other dwellings.
- Design – not in keeping with other 4 bed houses in the area and village. Two storey dwellings will not fit with bungalows and chalet bungalows further along Canterbury Road. Concerns regarding scale of development seeking 2 dwellings.
- Asbestos – concerns existing dwelling has had asbestos in its construction. Asbestos survey should be carried out prior to any demolition work and any asbestos removal be carried out in accordance with regulations in interests of public safety and neighbours in close proximity.
- Loss of earnings as a result of disruption to water supply.
- Wildlife – concerns wildlife would be disturbed (including birds and hedgehogs)

Summary of comments neither objecting to or supporting the application

- Fir trees provide privacy – concerns what will happen if they die, suggestions a 10ft fence would be better
- Concerns regarding where sewage will discharge to

Summary of comments in support

- Houses are needed in the county
- Design would fit nicely on this plot whilst considering neighbours and the general look of the street scene
- Design – top specification, visually attractive, will add value to the village, good design, enhance site, complement and benefit village
- Will create work opportunities for tradesmen supporting local people
- Benefit in the community
- A lot of other developments in this road

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

- 1.1 The application site relates to a detached bungalow located on the north side of Canterbury Road, Lydden, within the settlement confines. The site slopes downwards towards the north and the dwelling, which is set back behind driveways and a front garden, is at a lower ground level than the public highway. The existing bungalow is finished in white render and red brickwork, with a tiled gable roof (side

to side) and white uPVC windows. To the west is a detached garage and to the east is a single storey flat-roofed side extension. The front garden of the site is bounded by a low level fence. The rear garden of the site, which is landscaped, is bounded by an approximately 3m tall hedge to the west and north and a low level brick wall to the east. The site is bounded by No. 60 Canterbury Road to the east, Nos. 64 and 65 Stonehall Road to the north and No. 64 Canterbury Road to the west.

- 1.2 This application seeks permission for the erection of 2 detached dwellings, associated parking and creation of new and widening of existing vehicle access (existing bungalow and garage to be demolished). The design of the dwellings has been amended, removing the integral garage space initially proposed (reducing the depth of Plot 2 dwelling and amending the roof plan) and re-advertised accordingly. The dwellings would have double pitched slate roofs with barn hipped ends, dormer windows on the front and rear slopes and would be finished in rustic brick with charcoal grey aluminium windows. They would measure approximately 6.8m in width and would have an eaves height of approximately 3.75m and 5.5m (at the barn hipped ends) and ridge of approximately 6.9m (measured from the front elevation). Plot 1, the easternmost dwelling, would measure approximately 12.6m in depth and Plot 2, the westernmost dwelling, would measure approximately 11.6m in depth. There would be access paths on either side of the dwellings and an approximately 1.8m close boarded fence would separate the two gardens. The dwellings would be set back from the highway behind paved driveways with space to park two vehicles for each dwelling and a new access would be created, and the existing access would be widened. Each dwelling would contain four bedrooms, one with en-suite bathroom, and a separate bathroom at first floor level. At ground floor level there would be a snug, WC, a study and an open plan kitchen/living/dining room with glazed doors opening onto a terrace with balustrade and steps down to the lower garden level.

2. Main Issues

- 2.1 The main issues for consideration are:
- The principle of the development
 - 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, which accord with the aims and objectives of the NPPF. It is therefore considered that the principle of the development is acceptable in this location, subject to site specific considerations.

Impact on the Character and Appearance of the Street Scene

- 2.3 The site is located within the settlement confines of Lydden. This section of Canterbury Road comprises a mix of detached bungalows and chalet bungalows, finished in either light coloured render or brickwork. There are also a range of roof types, including hipped, pyramid hipped and gable (side to side) roofs, finished in slate, concrete or red tiles. Several of the nearby properties have been extended, with both flat roofed and hipped roof dormer roof extensions on the

front, side or rear roof slopes. All dwellings are set back from the public highway behind lawned gardens or block paved driveways.

- 2.4 The proposed dwellings would be finished in rustic brick, with charcoal grey aluminium windows and slate roofs. Subject to a condition requiring samples of materials to be submitted, the dwellings are considered to be in keeping with the materials of other dwellings in the street scene. They would be set back from the highway behind paved driveways, which would retain the building line of this section of Canterbury Road. Furthermore, the use of barn hipped roofs, together with the flat roofed dormer windows, would reduce the visual impact on the street scene and given their scale and siting, the dwellings are considered unlikely to unduly dominate or detract from the varied character of the street scene.
- 2.5 Consequently, the design, siting and scale of the proposals are considered to preserve the varied character and appearance of the streetscene in accordance with Paragraph 127 of the NPPF.

Impact on Residential Amenity

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

60 Canterbury Road

- 2.7 Located to the east of the site and set at a slightly lower ground level (by approximately 0.7m), this detached chalet bungalow has a number of windows at ground floor level (serving a bedroom and a kitchen with a larger window on the rear elevation), and at first floor level (serving a shower room and a high level bedroom window which has an additional window on the rear elevation), located on the flank elevation of the dwelling. There would be a separation distance of approximately 2.4m between the closest proposed dwelling and this neighbouring dwelling, an increase of approximately 0.2m from the existing scenario (the existing distance is approximately 2.2m). The proposed north elevation shows that an approximately 1.8m close-boarded fence would be installed along the boundary between the two dwellings, which would provide greater privacy between the two gardens than the current low level brick wall. Whilst there would be some views across the neighbouring garden due to the windows on the rear elevation and the slope of the site, due to the existing low level boundary and elevated positioning of the dwellings in relation to their gardens, on balance, this is considered unlikely to result in significant harm such that it would be reasonable to withhold permission. A raised terrace with balustrade and steps down to the garden level would be located to the rear of the dwelling, however due to the depth of this, approximately 1.1m, as well as its siting, being set away from No. 60, this is considered unlikely to result in undue harm to privacy. Only one window is proposed on the flank elevation (of Plot 1) facing towards the neighbouring dwelling. This would serve a bathroom and would be fitted with frosted glass such that it would not cause unacceptable overlooking into the neighbouring windows. A condition requiring bathroom windows to be obscure glazed and non-opening below 1.7m above internal floor level, in order to preserve the privacy of proposed and neighbouring occupants is proposed. Subject to this, the development is considered unlikely to result in undue harm to neighbouring privacy. The proposed dwellings would be directly visible from the windows on the flank elevation of No. 60 Canterbury Road and would result in an increase in height and massing compared to the existing scenario. However, due to design of the dwellings, boundary treatment, and as

the dwelling would be no closer than the existing bungalow, the proposals, which would not project beyond the rear elevation of No. 60, are considered unlikely to result in an unacceptably overbearing impact on neighbouring amenity. In respect of daylight and sunlight, due to its height, the development would result in some additional shadow being cast towards the neighbouring property during the evenings. However, due to the design of the barn hipped roofs, which would have low eaves at the front and rear, and in particular as Plot 1 would have a gully between the two roofs, this would allow light to pass over the dwellings towards the neighbouring property. On balance therefore, the development is considered unlikely to result in such overshadowing that it would warrant refusal.

64 Canterbury Road

- 2.8 Located to the east of the site, this 1 ½ storey dwelling has an attached garage to the west side which would be in closest proximity to the site. To the rear of this, and set further away from the proposals (by approximately 4.15m) the dwelling has two windows on the flank elevation from which the development would be visible. At first floor level there are rear dormer windows and to the rear of the dwelling is a raised decking with balustrade. Whilst the proposals would be visible from this neighbouring dwelling, due to the separation distance and tall boundary hedge (approximately 3m in height) which would be retained and would obscure views between the two gardens, the development is, on balance, considered unlikely to result in a significantly overbearing impact. The proposals would result in some additional shadow being cast towards the neighbouring property during the mornings, however due to the barn hipped roofs and low eaves levels, as well as orientation of the dwellings to the road which would allow additional light to pass above and across the dwellings towards No. 64, the development is considered unlikely to result in unacceptable overshadowing to neighbouring amenity. In respect of privacy, the development would have two windows; one at ground floor level and one at first floor level, on the flank elevation of Plot 2 (the proposed dwelling closest to No. 60 Canterbury Road). These windows would serve a WC and en-suite bathroom (non-habitable rooms). Again, a condition is suggested for bathroom windows to be fitted with obscured glazing and non-opening below 1.7m above internal floor level in order to preserve the privacy of the proposed and neighbouring occupants. To the rear of the dwelling would be a raised terrace with balustrade and steps down to garden level. However, due to the siting of this and positioning and height of the boundary hedge to the east, the development is considered unlikely to result in unacceptable harm to neighbouring privacy.

64 – 65 Stonehall Road

- 2.9 Located to the north of the application site and set at a lower ground level, these detached bungalows have windows on the rear elevation which face towards the site. A tall boundary hedge (approximately 3m in height), would obscure views between the gardens of the proposed dwellings and these neighbouring dwellings. A section through the site has been provided showing that views of the rear elevations of these dwellings would also be restricted by the hedge, and a condition for its retention is suggested accordingly. Whilst the development may result in perceived overlooking, the first floor level dormer windows proposed would serve bedrooms, which occupants would be most likely to look out of during the mornings and evenings, rather than for prolonged periods throughout the day (especially as a study and snug are already proposed at ground floor level). On balance therefore, the development is considered unlikely to result in significant harm to neighbouring privacy. Due to the siting and scale of the

proposals, as well as separation distance to these neighbouring properties, the development is considered unlikely to result in significant overshadowing or loss of light to neighbouring amenity. As such, it is considered that the proposals overcome the previous reasons for refusal (in respect of loss of privacy) and would accord with Paragraph 127 of the NPPF.

Other Dwellings

- 2.10 The proposals would be visible from a number of other dwellings, particularly those to the northeast and northwest of the site which are set at a lower ground level. However, due to the siting, scale and design of the proposals, as well as tall boundary planting which provides a level of screening and privacy between the site and nearby residents, the development is considered unlikely to result in undue harm to the residential amenities of other nearby occupants and would accord with the objectives of Paragraph 127 of the NPPF in respect of impact on amenity. Concerns have also been raised by third parties that the construction phase would cause noise and disturbance. Whilst the construction would, undoubtedly, cause some disruption, due to the scale of the development it is not considered that this would likely be unacceptably harmful or for a prolonged period. On balance it is not therefore considered that a construction management plan would be warranted in this instance.

Amenity of the Proposed Occupiers

- 2.11 The proposed dwellings would be of a good size and all habitable rooms would be naturally lit, with private rear gardens. Recycling and refuse storage to the front of the dwellings is shown on the proposed ground floor plan and there would be access paths to the rear gardens on both sides of each dwelling. Cycle storage has not been shown, however could be located within the rear garden and a condition for details of this storage is suggested accordingly. As such, it is considered that the living conditions of future occupiers would be acceptable and would accord with paragraph 127 of the NPPF.

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

- 2.12 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.
- 2.13 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.
- 2.14 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.

- 2.15 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.
- 2.16 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.
- 2.17 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.

Impact on Parking/Highways

- 2.18 The proposals include the widening of the existing vehicular access and creation of a new access (from Canterbury Road). KCC Highways and Transportation have been consulted on the application and have no objection in respect of highway matters subject to conditions to secure: the provision and retention of car and cycle parking; completion of access, including its appropriate treatment so that the footway is maintained and so debris and water do not discharge onto the highway; the provision of a vehicular visibility strip and pedestrian visibility splays. The development is modest in scale such that it would not produce a significant number of additional vehicular journeys on the network. Subject to the conditions outlined by KCC, it is considered that the development would be provided with a safe access onto Canterbury Road, with adequate visibility in either direction, such that the operation of the highway or the footway would not be unacceptably impacted. KCC have also requested that electric vehicle charging points be provided. Whilst the provision of such infrastructure is desirable, at present the council do not have a policy to require such provision whilst, equally, the NPPF does not mandate such provision. It is not therefore considered that it would be reasonable to refuse the application in the absence of electric vehicle charging points.
- 2.19 In respect of parking space provision, each dwelling would contain four bedrooms and would have two off-road parking spaces. This would accord with the requirements set out in Policy DM13 and is therefore considered to be acceptable.

Impact on Flood Risk

- 2.20 The proposed dwellings would be located within 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. Due to the size of the site (less than 1 hectare), a flood risk assessment is not required. Furthermore, as the proposed dwellings would be located within Flood Zone 1, a sequential test is not required. 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.

Surface Water/Drainage

- 2.21 The application form identifies that surface water would be disposed to a soakaway and foul sewage would be disposed to a mains sewer. Southern Water have been consulted on the application and advise that a formal application for a connection to the foul sewer would need to be made by the applicant, and an informative is suggested accordingly. Concerns have been raised by third parties regarding the capacity of the sewage system, however no objection has been raised by Southern Water and this is a matter for the applicant to resolve directly. Nonetheless, pre-commencement conditions are suggested for details of site drainage works for the disposal of surface water and a detailed scheme for the disposal of foul sewage are recommended to ensure satisfactory arrangements.

Archaeology

- 2.22 The site is located in an area of archaeological potential surrounding an undated enclosure. KCC Archaeology has been consulted on the application and have advised that no measures are required.

3. Conclusion

- 3.1 The application site is located within the settlement confines and the proposed erection of 2 detached dwellings, associated parking and creation of new and widening of existing vehicle access (existing bungalow and garage to be demolished) is considered acceptable in principle in this location. The proposed dwellings, due to their siting, scale and design are considered to preserve the varied character and appearance of the street scene. Furthermore, the proposals are considered, on balance, unlikely to result in significant harm to the residential amenities of surrounding residents. Subject to the conditions suggested below, that the development would accord with the aims and objectives of the NPPF.

g) Recommendation

- I PERMISSION BE GRANTED subject to conditions:

- (1) Standard time condition, (2) list of approved plans (3) samples of materials (4) details of measures to prevent discharge of surface water onto the highway (5) pre-commencement scheme for the disposal of foul sewage (6) pre-commencement details of site drainage works for the disposal of surface water (7) provision, surfacing and drainage and retention of vehicle parking space (8) bound surface of first 5m of vehicle access (9) completion of the access and vehicle crossing prior to use (10) provision and maintenance of a visibility strip measuring 2.4 metres in width from the edge of the carriageway along the site frontage with no obstructions over 1 metre above carriageway level within the splays (11) provision and maintenance of 1 metre x 1 metre pedestrian visibility splays behind the footway on both sides of each access with no obstructions over 0.6m above footway level (12) retention of boundary hedgerows and replacement where damaged (within 5 years of completion of development) (13) completion of hard and soft landscaping (14) details of secured bicycle storage to be installed prior to first occupation (15) provision of refuse/recycling storage shown on plans (16) bathroom and WC windows

to be fitted with obscured glazing and be non-opening below 1.7m above internal floor level.

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

Case Officer

Rachel Morgan