

a) **DOV/20/01063 – Erection of a dwelling and detached garage with associated access - Morfield House, 11 Bewsbury Crescent, Whitfield**

Reason for report – Number of contrary views (6 + Whitfield Parish 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accord with an up to date development plan or where there are no relevant development plan policies or the policies are out of date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for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

Draft Local Plan

The Council is in the final phase of approving the draft Dover District Local Plan for public consultation. This is the start of a process for developing a new local plan for the district, replacing in due course, the Core Strategy and Land Allocations Local Plan. Once the draft plan is approved for consultation, it will be a material planning consideration for the determination of planning applications, although importantly it will have little weight at this stage. As the plan progresses, it will be possible to afford greater weight to policies or otherwise, commensurate with the degree of support/objection raised in relation to them during the consultation process. A final version of the Plan will be submitted to the Planning Inspectorate for examination to determine if the Plan can progress to adoption and, if so, the degree to which final modifications will/will not be required.

At the time of preparing this report, the approval of the Draft Plan for consultation was imminent. It's possible that approval will be made prior to this meeting of the Planning Committee, in which case the policies of the draft Plan will be a material consideration in the determination of the application. Should this be the case, and for the purposes of this report, it's considered that relevant policies in the draft Plan have little weight at this stage and do not materially affect the assessment and recommendation herein including (where appropriate) the framing of conditions or reasons for refusal.

d) **Relevant Planning History**

Numerous applications including:

DOV/19/00494 – Erection of a two storey rear extension and garage (existing rear extension to be demolished) - Granted

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

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

Whitfield Parish Council – Whitfield Parish Council consider this application to be an over-intensive development of this site. It would be over bearing, intrusive and would also affect the amenity of next door residents and also the residents at the rear of the proposed application. This is a 'back garden development' to which Whitfield Parish Council are strongly opposed. Therefore, Whitfield Parish Council object to this application.

Southern Water – Requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. Advises that it is possible a sewer

now deemed to be public could be crossing the development site and should any sewer be found during construction works, and investigation of the sewer will be required to ascertain its ownership before any further works commence on site (informative to be included in full on decision notice should permission be granted).

Public Representations:

6 members of the public have objected to the proposals (as of 7th December 2020) and the material considerations are summarised below. Matters such as impact on an individuals' property value, financial intentions of the applicant etc. are non-material considerations and are not included below.

- Object for the same reasons as the previous applications for 17, 19, 21 and 31 Bewsbury Crescent. Had these been accepted more people could be inclined to apply. More are applying in the hope they might be accepted and if they are this will continue. Encourages properties to resubmit previous applications for three and four dwellings.
- Yet another rear garden development in Bewsbury Crescent
- Traffic – increasing traffic in the Crescent (which is being used as a short cut to avoid queues at other junctions)
- Parking – there will be an issue with street parking. Visitors will have to park in the street which will cause issues for pedestrians as vehicles will use the pavement to make room on the road.
- Similar to other refused applications for garden development in Bewsbury Crescent which have been upheld at appeal
- Amenity impact – activity and disturbance from vehicle movements and use of access alongside the living areas of numbers 15 and 15b and no. 11
- Noise (from turning area and use of garden)
- Smell (from proximity of turning area to neighbouring garden)
- Light pollution from the proposed dwelling
- Inadequate space on the plot for the dwelling, turning bay and garage
- Need for housing – 140+ houses at the end of Bewsbury Crescent (Fitzwarin Place). There is no need to support or encourage further rear garden developments in the Crescent. Proposal doubles the housing density of this plot.
- Loss of wildlife habitat
- Impact on character – significantly changes the building line in the Crescent
- If granted, request that a measure is put in place that work using machinery cannot start until after 8am and finish at 5pm, no playing of radio's and loud talking.

f) 1. The Site and the Proposal

1.1 The application site relates to a detached two storey dwelling located on the northeast side of Bewsbury Crescent. The dwelling has been recently extended to the rear and is finished in white render with tiled combination roof and dark framed windows. The extension built does not appear to be fully in accordance with the approved plans and Enforcement Officers are investigating. The site is flat and to the front (southwest) of the dwelling is a driveway, which runs to the southeast side of the dwelling. The property has a deep, 'L' shaped rear garden and the site measures approximately 15.2m and 26.5m in width and 17m and 71.5m in depth. The site is bounded by No. 9 Bewsbury Crescent to the northwest, No. 7 Bewsbury Crescent to the north, Nos. 15 & 15a Bewsbury Crescent to the southeast, and the rear gardens of Nos. 45b and 47 Bewsbury Cross Lane to the northeast.

- 1.2 Bewsbury Crescent contains a mixture of bungalows, chalet bungalows and two storey dwellings, with the vast majority of properties being detached. The dwellings are generally finished in brick and/or render and there are a range of roof types and orientations. All dwellings are set back from the public highway behind either driveways or front gardens and there is a strong building line. However, a number of dwellings have been constructed in the rear gardens of properties, particularly in the southeastern corner, and along the southeastern side of Bewsbury Crescent. Permission has also been sought for similar back garden development at several properties along the southern side of Bewsbury Crescent (bounded by public bridleway ER74 to the southeast), however these have been refused and some decisions have been dismissed at appeal.
- 1.3 This application seeks permission for the erection of a dwelling and detached garage (to serve No. 11 Bewsbury Crescent), with associated access. The proposed bungalow would be positioned approximately 34m to the northeast of the existing dwelling and would contain three bedrooms (one with en-suite), a bathroom and an open plan kitchen/living/dining room. The dwelling would be 'L' shaped and would measure approximately 14.2m in width and 8.4m in depth. The front (southwest) projection would measure approximately 7.6m in width (including the open porch) and 1.97m in depth. It would have an eaves height of approximately 2.8m and ridge heights of 5.2m and 5m. The bungalow would have a hipped roof finished in grey concrete tiles and would have dark grey windows and doors and would be finished in white render with sections of dark grey weatherboarding.
- 1.4 The proposed garage would measure approximately 6m x 6m and would have a flat roof, approximately 2.4m in height from ground level. It would have a garage door on the southeast elevation and doorway into the new subdivided garden of No. 11 on the southwest elevation. Amended plans were received on 20th November 2020 which made no changes to the siting, scale, massing or design of the dwelling, however clarified the heights of existing boundary treatments and showed the location of electric car charging point for the proposed dwelling.

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 and accords with the locational 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.

Impact on the Character and Appearance of the Street Scene

- 2.3 The site is located within a predominantly residential area and, as discussed at paragraph 1.2, Bewsbury Crescent contains dwellings of a mix of designs, materials and heights. As such, the character of the street scene is considered to be varied. However, there is a strong building line along Bewsbury Crescent,

and there have been a number of applications within the Crescent to erect dwellings in the rear gardens of properties.

- 2.4 Planning permission has been generally refused for the erection of dwellings to the rear of properties along the southeastern side of Bewsbury Crescent. However, dwellings have been erected in the eastern corner of the crescent, and a detached bungalow has been erected to the rear of No. 15 Bewsbury Crescent, directly to the southwest of the application site.
- 2.5 The proposed dwelling would be a detached single storey bungalow, finished in white render with a grey concrete tiled roof, dark grey windows, dark grey/blue brickwork and sections of dark grey cement weatherboarding. Due to the siting of the dwelling and scale and positioning of dwellings to the west, public views would be largely limited to those from directly in front of the access drive. Nonetheless, the finish of the dwelling in white render and a dark coloured roof and windows would match that of the recently extended and updated No. 11 Bewsbury Crescent and would not be out of place in its immediate context and setting. Consequently, it is considered that the proposed development would preserve the varied character and appearance of the street scene, 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:

7 Bewsbury Crescent

- 2.7 The site shares its northwest boundary with the garden of this property. Whilst the development would be visible from this dwelling, due to the height and design of the proposed bungalow, as well as separation distance and boundary treatments the development is considered unlikely to result in unacceptable harm to neighbouring amenity in respect of overbearing, overshadowing or loss of privacy, and would accord with the amenity objectives of Paragraph 127 of the NPPF.

9 Bewsbury Crescent

- 2.8 Located to the southwest of the proposed dwelling, this two storey detached dwelling has several windows from which the proposed dwelling would be visible. There would be a separation distance of approximately 36m between the proposed bungalow and rear elevation of this neighbouring property and due to this distance, as well as the single storey height of the proposed dwelling, the development is considered unlikely to result in an unacceptably overbearing impact on neighbouring amenity. Due to the siting of the proposed dwelling and direction of the sun path, the development would be unlikely to result in undue overshadowing or loss of light to the neighbouring property. In respect of privacy, there would be windows and doors at ground floor level only and views of the neighbouring garden would be restricted by the 1.8m close boarded fence forming the garden boundary. Due to this, and the separation distance between the two dwellings, the development is considered unlikely to result in undue harm to neighbouring privacy in accordance with Paragraph 127 of the NPPF. With regard to the proposed garage, due to its siting and scale, as well as the height of the separating boundary treatment, this is considered unlikely to result in

undue harm to neighbouring amenity in respect of overbearing, overshadowing or loss of privacy.

15 Bewsbury Crescent

- 2.9 Located to the southwest of the site, this dwelling has a single storey side projection with four rooflights above (shown from planning history to serve a study, utility and porch), and two windows at first floor level (shown on planning history to serve bathrooms) on the side elevation of the main dwellinghouse. There are a number of windows on the rear elevation from which the proposed dwelling would also be visible. However, due to the siting, scale and separation distance, as well as the design of the proposed bungalow, the development is considered unlikely to result in undue harm to privacy, to have an overbearing impact, or to result in overshadowing to this neighbouring property. The proposed access drive leading to the new dwelling and garage for the existing dwelling would be positioned adjacent to the boundary of No. 15, which is formed by an approximately 2m tall close boarded fence. Although the use of the access would result in some additional noise from vehicle movements, it is considered unlikely that the level of vehicles for a single dwelling and access to a garage (where the primary parking area for No. 11 Bewsbury Crescent is to the front of the existing dwelling), would cause significant harm to amenity. Furthermore, it is considered appropriate to require details of the surface material of the driveway/hardstanding to be submitted as part of a landscaping condition, as use of a bound surface (as opposed to a gravel surface for example) could further reduce the noise generated by the use of the driveway.

15a Bewsbury Crescent

- 2.10 Located to the south of the proposed dwelling, this bungalow (which itself was erected in the rear garden of No. 15), has two windows on the flank (northwest) elevation facing the site. These are partially visible above the approximately 2m tall boundary fence and from planning history, are shown to serve a bedroom/dressing room and a bathroom. Whilst the proposed bungalow would be visible from these windows, it would be set approximately 6m from the dividing boundary. As such, it is considered the development would be unlikely to result in an unduly overbearing impact on neighbouring amenity. Only one window is proposed on the flank elevation of the bungalow which would face towards No. 15a. The window would serve an en-suite bathroom and subject to the imposition of a condition requiring this to be fitted with obscured glazing and be non-opening below 1.7m above the internal floor level (in the interests of privacy), the development is considered unlikely to result in harm to neighbouring privacy. Furthermore, due to the positioning of the dwelling and direction of the sun path, the development would be unlikely to result in overshadowing or loss of light. As discussed at Paragraph 2.9, the access to the dwelling and garage (to serve No. 11) would run adjacent to the dividing boundary with No. 15a and could result in some noise from vehicle movements. However, due to the height of the boundary treatment and number of vehicles associated with the proposal, on balance, this is considered unlikely to result in significant harm to the neighbouring amenity.

Nos 45a, 45b, 47 and 47a Bewsbury Cross Lane

- 2.11 Located to the east of the site, these dwellings are set at least 32m from the site boundary. Whilst the proposed bungalow would be visible from these dwellings, due to its height and design, featuring hipped roofs, it is considered unlikely to result in an unacceptably overbearing impact on the residential amenities of

these properties. In respect of privacy, the bungalow would feature three windows on the rear (northeast) elevation. The existing 1.8m close boarded fence would be retained and as such, it is considered the proposals would be unlikely to result in unacceptable harm to the privacy of these nearby residents. In respect of overshadowing, the development would cast shadow towards these neighbouring gardens during the evening, however this would be unlikely to result in significant overshadowing due to the height and hipped roof of the proposed bungalow. As such, it is considered the development would be unlikely to result in unacceptable harm to the amenity of these residents, in accordance with the amenity objectives of Paragraph 127 of the NPPF.

No. 11 Bewsbury Crescent

- 2.12 In order to facilitate the erection of the proposed bungalow, the garden of the application property would be sub-divided and an access driveway would be installed along the southeastern side of the retained garden. This would be separated by a 1.8m close boarded fence. There are several windows on the flank elevation of this dwelling and the use of the access would result in some noise and disturbance. However, the access would also be used by the applicants of this property to access the proposed garage (which would have a doorway into their garden). Given this, the boundary treatment, and the limited use of the access associated with one dwelling, on balance, this is considered unlikely to result in such significant harm to residential amenities to warrant refusal. Due to the design, siting and scale of the proposed bungalow, the development is considered unlikely to result in an unduly overbearing impact and due to the direction of the sun path, it would be unlikely to result in overshadowing. In respect of privacy, the bungalow would have a number of windows facing towards the rear elevation of No. 11, however these would be partly obscured by the proposed garage and boundary fencing. As such, the development is considered unlikely to result in unacceptable harm to privacy. Nonetheless, in order to preserve the privacy of surrounding residents, it is considered appropriate to impose a condition restricting permitted development rights for Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to control the installation of rooflights and dormer windows.

Amenity of the Proposed Occupiers

- 2.13 The proposed dwelling would be of a good size and all habitable rooms would be naturally lit. It would be provided with a private garden and an area for refuse storage and a shed for cycle storage is shown on the proposed site plan. Subject to a condition requiring details of the proposed cycle storage to be submitted, it is considered that 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

- 2.14 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.

- 2.15 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.
- 2.16 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.
- 2.17 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.
- 2.18 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.
- 2.19 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

- 2.20 The existing driveway to the side of the dwelling would be extended and would lead to the parking for the proposed dwelling and garage for the existing dwelling. No changes to the existing access to the site are proposed as part of the application. There is existing parking space to the front (west) of No. 11 Bewsbury Crescent for at least two vehicles and this would accord with the parking provision requirements of Policy DM13.
- 2.21 In respect of the proposed dwelling, two parking spaces would be provided. Again, this would accord with the parking provision requirements of Policy DM13. 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.
- 2.22 As discussed at paragraph 1.4 of this report, amended plans were submitted by the agent which made no changes to the siting, scale or design of the proposals, however included the provision of an electric vehicle charging point for the proposed dwelling. In line with our emerging policy approach, it is suggested that a condition be imposed requiring cabling to be installed to serve one of the spaces associated with the proposed dwelling, to enable the installation of a vehicle charging point.

Impact on Flood Risk

- 2.23 The application site is located in Flood Zone 1 which has the lowest risk from flooding. Due to the size of the site (less than 1 hectare), a flood risk assessment is not required. Furthermore, as the proposed dwelling 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.

Drainage

- 2.24 Southern Water was consulted on the application and advise that a formal application for a connection to the public foul sewer would need to be made by the applicant or developer. Should permission be granted, their consultation comments will be included on the decision notice as an informative. The application form states the disposal method for foul sewage is unknown and as such, it is considered appropriate to suggest a condition is imposed requiring these details to be submitted. Subject to this, the proposal is considered acceptable in this regard.

3. Conclusion

- 3.1 The application site is located within the settlement confines and the proposed erection of a dwelling and detached garage with associated access is considered acceptable in principle in this location. There would be limited views of the proposal from the public highway, however due to the design, siting and scale of the development, it is considered to preserve the varied character and appearance of the street scene. Whilst the proposed driveway would result in some noise and disturbance, for the reasons discussed in this report, on balance, this is considered unlikely to result in unacceptable harm to residential amenity. Furthermore, the development is considered unlikely to result in unacceptable harm in respect of overbearing, overshadowing or harm to the privacy of nearby 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:
(1) Standard time condition, (2) list of approved plans (3) samples of materials (4) details of soft and hard landscaping (including boundary treatments and driveway/hardstanding surfaces) and schedule of planting (5) provision and retention of the parking area with drainage measures installed (6) details of surface water disposal (7) details of foul sewage disposal (8) cables for EV charging points (9) details of secured cycle storage (10) bathroom window on southeast elevation to be fitted with obscured glazing and be non-opening below 1.7m above internal ground level (11) removal of permitted development rights for Classes B and C of Part 1, Schedule 2 of the GPDO.
- 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