

- a) **DOV/20/00132 – Erection of a detached dwelling with associated parking and boundary fence, and the creation of a vehicle access and associated parking for Gore Cottage (existing garage to be demolished) - Gore Cottage, Gore Lane, Eastry**

Reason for report – Number of contrary views (9 + Eastry 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accord with an up to date development plan or where there are no relevant development plan policies or the policies are out of date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for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.

Chapter 16 (particularly Paragraphs 189 – 202) set out how applications which affect heritage assets should be considered.

National Planning Practice Guidance

National Design Guide (2021)

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 Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however the policies of the draft Plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out.

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:

Eastry Parish Council – Initially commented ‘No objections’, however upon re-consultation following the receipt of revised plans, commented ‘The Parish Council have re-thought their decision based on local opinion and the findings of Highways and now object to the application’.

KCC Highways and Transportation – Commented that visibility splays of 43m x 2.4m x 43m are required at the proposed access unless measured speeds indicate otherwise. There should be no obstructions over 1m above carriageway level within the splays which should be across land within the control of the applicant and/or the highway authority. Initially they advised that the required splays had not been shown on the plans submitted, did not appear to be achievable and recommended refusal as the proposals failed to provide safe access contrary to the NPPF.

On receipt of an amended plan, noted that the red line now included part of the required 2.4m x 43 m visibility splay to the north of the access. They advised that if the LPA is content that this enables the provision and maintenance of the splay to be suitably enforced then it would be acceptable. However, they pointed out that the splay also appears to cross private land further to the north (the highway boundary is at the edge

of the carriageway) and therefore the red line will need to be extended further to encompass the entire splay. Whilst the splay to the south appears to partly encroach on private land, they are satisfied that if the splay to the north can be achieved, it will allow a driver to move slightly out and gain adequate visibility to the south before exiting the driveway.

KCC County Archaeology – The application site lies on the edge of the village of Eastry which is archaeologically important because of its location adjacent to the former Dover to Richborough Roman road and due to the settlement's significance in the early medieval period. The palace or 'villa regalis' relating to Egbert, King of Kent c.690 AD is thought, though not proven, to lie in the vicinity of St Mary's Church and Eastry Court Farm. Four separate cemeteries dating from the early medieval period are also recorded in and around the periphery of the present village. The site in question lies on the western edge of the modern-day village and finds of Romano-British and medieval dates have been found within fields on the opposite side of Gore Lane. Given the archaeological importance of Eastry it is possible that the proposed development works may affect archaeological remains. A condition for an archaeological watching brief is suggested should permission be granted.

Southern Water – Requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. Should the application receive planning approval, an informative is suggested for inclusion on the decision notice. On receipt of revised plans, advised that their previous comments remained unchanged and valid for the amended details.

Environmental Health – Has considered the application and supporting documents and has no objection to it. A condition relating to the finding of unexpected contamination whilst the development is being carried out is suggested if planning permission is granted.

Tree and Horticulture Officer – Views awaited.

Principal Heritage Officer – This application concerns a site to the rear of a cottage; the cottage was submitted to Historic England for listing and underwent a full assessment, including site visit and consultation with the LPA, but was rejected. This was due to the limited amount of remaining historic fabric and the late C20 alterations that unfortunately confuse the understanding of the building and raise queries over authenticity of the fabric. The assessment has however identified features of the building that are of historic or architectural interest, notably the small scale of the building (one and half storeys), age (C18 or earlier) and the basic timber frame structure and early exterior brickwork. The building is therefore considered to be a non-designated heritage asset as defined in the NPPF.

Paragraph 197 of the NPPF requires the significance of a non-designated heritage asset to be considered in determining a planning application. The proposal seeks to erect a single dwelling to the rear; there will be no loss of the historic building (and certainly any application which sought to do so should be considered unacceptable) and the key consideration is consequently how the new dwelling impacts on the very modest form of Gore Cottage in terms of scale.

The proposed development is a single storey bungalow situated directly behind the existing dwelling. The plot is not wide, essentially being only slightly greater than the width of the cottage. The proposed new vehicle access will potentially provide a view of the new dwelling but at a distance of 10m behind the cottage the visual impact is unlikely to be harmful, particularly if suitable landscaping is required.

The scale, design and layout of the proposed new dwelling ensure that it will not be overwhelming within the context, and consequently is not considered to be harmful to the non-designated heritage asset. I would recommend the removal of permitted development rights for further extension (including to the roof) of the proposed dwelling and for any outbuildings to ensure that any future proposals/changes remain sympathetic to the character of the historic building.

Waste Officer – Notes that a recycle store has been included on the plans at the rear of the dwelling. There is a fortnightly refuse and recycling collection and the recycle store must be able to accommodate at least a standard bin set (180L refuse bin, 240L recycling bin, black box for paper/card and kerbside caddy, costing £77.47 which must be purchased before the future residents move in). The future resident will have to wheel bins from the rear, up the drive and to the boundary with Gore Lane. As there is no footpath, they will be required to present their bins at the end of the drive and there are concerns whether the drive is wide enough to allow ingress and egress for vehicles and that once bins are emptied, they are at risk of going into the road when there is inclement weather. It would be a good idea to have an area able to 'hold' bins at the drive entrance until the collection has been made.

Public Representations:

9 members of the public have objected to the proposals (as of 11th February 2021) and the material considerations are summarised below. Matters such as impact on an individuals' property value and financial intentions of the applicant/developer are non-material considerations and are not included below.

- Fence – the present 1.1m high fence along the east boundary should be replaced with a 1.8m fence to preserve privacy.
- Support the application to build a bungalow but strongly object to any plans to build houses instead of a bungalow and would not want Gore Cottage demolished.
- Siting – inappropriate siting behind a period cottage, believed to be one of the oldest dwellings in the Village of Eastry. Proposal will not be built in line visually/aligned with neighbouring properties. Proposed development would not relate sympathetically to pattern of surrounding development but would appear as an incongruous feature that has been forced into a space barely able to accommodate it. Application fails to accord with development plan policies and paragraph 11 of NPPF which states the need to conserve and enhance the natural environment and landscape
- Design/ Character – a new build on this site will ruin the character of the existing property and will be entirely out of keeping with the adjacent properties. Proposal would result in an urbanising form of development, would be visually incongruous and intrusive, would not respond well to the quality of the setting of this edge of village location and would not contribute to an improvement of the character of the area. Would be harmful to the quality and appearance of the countryside setting and street scene and contrary to Policy DM16 of the Core Strategy. Development would result in unacceptable loss of landscaping and open space that would be visually harmful to the prevailing character of the lane and surrounding suburban environment.
- Overdevelopment – site is too small to accommodate two properties with gardens and space for vehicles. By virtue of the restricted nature of the plot within a long established garden area, together with close proximity to neighbouring dwellings, the development would result in an over-intensive form of development. Development would be unsustainable and would erode the essential spacious characteristics of the existing dwelling on site leaving it with

next to no garden and detract from the established pattern of development within the immediate section of Gore Lane, contrary to the saved local plan and NPPF (which require a high standard of layout and design and seek to ensure development accords with existing development in the locality). Concerns regarding impact increase in density would have on the area.

- Overbearing and unneighbourly impact
- Overshadowing/loss of light – site slopes upwards behind the existing property and is considerably higher than the adjacent properties. As a result, the new dwelling will overshadow the existing property and neighbouring properties.
- Overlooking/loss of privacy – the position of the new build and siting at higher ground level will completely overlook the gardens of all three properties (adjacent properties and existing dwelling – including permanent hot tub within neighbouring garden). Loss of privacy cannot be mitigated by a fence/hedges or trees without having a detrimental effect on present landscape. Mature trees which provided screening from neighbouring child's climbing frame have been cleared from the site and as a result, this will look into the proposed new property. Proposal shows a bedroom window on the side elevation which may be visible from bathroom and (child's) bedroom windows of neighbouring property
- Parking/highways and safety – there is no parking on Gore Lane because it is too narrow and congested so any new property would need to accommodate cars. Another driveway on that section of the lane will increase the danger on an already dangerous section of Gore Lane which has seen a number of accidents in the past. Congestion will only be made worse once the planning permission for 50 houses on the Lane is implemented. Narrow lane with no pavements but has a large number of pedestrians (including dog walkers) using it to access the foot paths. Lane is also a much-used cycle route and popular with horse riders. The road is on average 4m wide at this point. Concerns regarding speeding issues. Proposal will adjoin the lane at the narrowest section and opposite T-junction with Selson Lane. Visibility is minimal and access on/off drives is difficult due to high traffic use especially at busy times of day. Lane is a bus route and used by heavy plant hire machinery and large HGV daily from John Reeve and Ovenden Plant Hire at the end of Gore Lane. Lane is poorly lit and has no space for passing vehicles. The electrical supply for Gore Cottage is on this side (the side of the proposed driveway) so will restrict width of vehicles and also vehicle height. Existing driveway used by Gore Cottage (adjacent to Walnut Tree Cottage) would not provide adequate views down the lane due to mature trees and shrubs of the neighbouring property. Siting of proposed driveway parallel to the existing access for Lavender Cottage takes no account of the fact there is a boundary wall which would mean there would be no sight line possible for the new access. It is wholly unacceptable to suggest that this feature would be removed and this would lead to unacceptable loss of privacy to the driveway to Lavender Cottage. Lavender Cottage often utilises its driveway in full having vehicles parked along the extent of which would undoubtedly prevent any form of sight line being possible and would pose safety issues. The plans for the proposed access do not show the existing telegraph pole which is sited where it is proposed the new access would be located (this serves 1 Ingleside Cottages and Lavender Cottage with electricity and telephone lines). Policy DM12 requires the access arrangements of development proposals to be assessed with regard to the Highway Network set out in the Local Transport Plan for Kent. Applications that would involve the construction of a new access or the increased use of an existing access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of crashes or traffic delays unless the proposals can incorporate measures that provide sufficient mitigation. Any traffic

pulling out would be in direct competition with speeding traffic (proven by Eastry Parish Council data from their speed monitoring device SID)

- Need for housing – increase in properties being built on Gore Lane has resulted in 3 unsold new builds (having been reduced in price by almost £100,000) at this section of the lane (within 50m of Gore Cottage). There is also permission for 50 dwellings further down the lane (DOV/17/01114). There are currently a large number of properties for sale in this village of varying sizes (including a house directly opposite that has been on the market for several years and is still unsold). Further developments are not required as there is not the demand for new housing in this area. The plot does not fall within the residential allocation within the Local Plan.
- Heritage – the previous owner believed the property (Gore Cottage) dated back to the 1200's. They made reference to the cottage being referred to in the Domesday Book and additional documents held in the Jack Bones collection by the Sandwich Archives. Gore Cottage is also shown on the Ordnance Survey map from 1872. Kent Heritage Maps dated 1871 shows Gore Cottage and neighbouring cottage. Concerns new driveway will be very close to existing period cottage and may cause damage, especially if used by heavy plant machinery during construction. Principal Heritage Officer at DDC has shown a keen interest in the existing Gore Cottage which is currently awaiting a decision on listing with English Heritage. The importance of the historic environment is recognised in the NPPF. LPA's should set out in their local plan a positive strategy for the conservation and enjoyment of the historic environment and should recognise that heritage assets (anything of historic interest, whether or not formally designated) are an irreplaceable resource and conserve them in a manner appropriate to their significance. Paragraph 12.43 of the Dover District Heritage Strategy states that almost all buildings that were built before 1700 that survive in anything like their original condition are listed as are the majority of these up to 1840. Paragraph 12.75 continues that the NPPF enables local planning authorities to identify and consider the significance of non-designated heritage assets through the process of local listing. In some cases, local planning authorities may also identify non-designated heritage assets as part of the decision making process in planning applications. Paragraph 1.25 of the Dover District Heritage Strategy acknowledges that while there are many built heritage assets that have statutory protection, there are far more that are not protected in any formal way but remain important to the District and its communities. Paragraph 12.74 of the Dover District Heritage Strategy states that "there are many non designated built heritage assets in the district ... these assets are highly vulnerable to unwitting and unmanaged change where such changes are likely to result in a loss of identity and character which will ultimately be to the loss of the District.... The gradual loss of the historic environment through erosion based on poorly considered alterations...is difficult if not impossible to recover from." The starting point in the NPPF is that it is important to understand the value of heritage assets as part of any planning application, whether on or close to the site. s189 & 190 of the NPPF advises that applicants should describe as part of their application the significance of any assets affected. There is no mention in the application of the age, character or historical importance of the period cottage on the application site nor the historic well within the boundary nor the impact on such an asset as required pursuant to s193 NPPF. s197 NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Due to siting of dwelling on higher ground level, the development would overlook the Grade II Listed

Building Gore Court and also Gore Cottage (a non-designated heritage asset). Proposal would cause material harm to the character and appearance of the surrounding area including these heritage assets and their curtilages. Consideration should be paid to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (particularly sub-clauses 1 and 2). Following the precedent set in *Steer v SSCLG* [2017] EWHC 1456 (Admin), in determining this application, the planning inspector must consider that Historic England defines the setting of a heritage asset as much wider a concept than mere visibility and "setting" (in s66) includes the surroundings in which the asset is experienced. Views, while they may be an important part of this experience and clearly identify the presence of a setting, do not constitute its totality or even the greater part of it. Following the above mentioned case, s66 of the 1990 Act above has a wide scope and "setting" treats visual connections as essential and determinative. As such, the development as outlined in the application would have a harmful impact on the setting and significance of Gore Court, a listed building and Gore Cottage, a non-designated heritage asset which would not be outweighed by the benefit of the new housing. As a result of all of the above, it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

- Concerns well behind the existing property (bordering the existing drive) may collapse if used by plant machinery whilst developing the proposed plot
- Proposed bin store close to neighbouring property (particularly a seating area) so odours may be smelt especially during summer months
- Concerns that although only 1 development is being sought, a developer may buy the plot and re-apply for planning. Concerns it may change from a bungalow to a house making it even more intrusive and may result in the demolition of Gore Cottage itself which would be a huge loss to Eastry and would change the character of the lane and this is the reason the listing is being sought.
- Site plan – proposed site plan is incorrect. Red line purports to show the extent of the boundary of the site extends beyond the actual extent of the boundary and includes unregistered land which lies between the property and 81 Peak Drive (titles K258367 and K191371 respectively).
- Concerns that amended plans do not clearly reflect neighbouring boundaries/walls and sight lines cross neighbouring private land
- Original planning application details an existing garage to be demolished – there is no garage, just three wooden sheds. Concerns that this was added to give the impression there is already access on the north side
- Infrastructure – concerns that infrastructure is not in place to support another dwelling
- Sight Lines – sight lines cross land within a neighbour's ownership and they do not agree to alter nor maintain their land in any way to assist with the application. The applicant has approached this neighbour on several occasions asking them to agree to altering their property and having obligations entered onto their land and they (the neighbour) have made it abundantly clear that this is not something to which they will be agreeing.

f) 1. The Site and the Proposal

- 1.1 The application site relates to a detached 1½ storey dwelling located on the southeast side of Gore Lane. The dwelling is finished in red brick with black painted timber windows, dormer windows on the front roof slope at first floor level and a combination tiled roof. A two storey extension has been added to the northeast side and during the course of this application, the dwelling was

considered for Listing by Historic England, however was not accepted (discussed further at Paragraphs 2.6 – 2.11 of this report).

- 1.2 The dwelling is set back approximately 2.8m from the highway and has a driveway to the southwest side. The rear garden slopes upwards towards the east and levels off in line with neighbouring properties. The site is bounded by Lavender Cottage to the northeast, 81 Peak Drive to the east and Walnut Tree Cottage to the south.
- 1.3 This section of Gore Lane contains predominantly two storey dwellings, either detached or semi-detached, finished in a range of materials (mostly brickwork or light coloured render). The majority of dwellings on the southeast side of this section of Gore Lane are set back from the highway, generally at higher ground level, with driveways to the front providing off-street parking. Gore Cottage sits much closer to the highway, forwards of the main building line and slightly above highway level, and as a result is much more prominent in views along the streetscene.
- 1.4 This application seeks permission for the erection of a detached dwelling with associated parking and boundary fencing and the creation of a vehicle access and associated parking for Gore Cottage (existing garage to be demolished). The bungalow would measure approximately 14.9m in width and 7.8m in depth and would have a barn-hipped roof with eaves heights of approximately 2.7m and 3.9m and a ridge height of 4.9m. There would be two single storey projections to the front, the northernmost measuring approximately 4.8m in width and 2.1m in depth, with a gable roof with a ridge height of 4.1m. The southernmost front projection, which would be set approximately 1.2m in from the main flank elevation, would measure approximately 6.5m in width and 3.9m in depth and would have a gable roof with a ridge height of 4.6m. The dwelling would contain three bedrooms (one with an en-suite bathroom), family bathroom, and open-plan kitchen/living/dining room. It would be finished in brickwork with a slate roof and grey uPVC windows.
- 1.5 The proposed bungalow would be set approximately 20m from the highway and would have its own access driveway, to the northeast of Gore Cottage. 1.8m tall timber featheredged fencing would be installed on all three site boundaries and would also form the boundary with the sub-divided garden of the existing Gore Cottage (which would retain two parking spaces and the existing driveway to the southwest side). Two parking spaces, together with a turning area, would be provided within the site for the proposed bungalow, and a cycle shed and recycle store are also shown within the garden of the proposed dwelling. Throughout the course of the application, amended plans have been submitted (with the majority of changes relating to the proposed vehicle access, including changes to the red line boundary in relation to sight lines and serving notice on the neighbouring occupants) which have been re-advertised accordingly.

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
- Impact on heritage assets
- The impact on residential amenity

- Impact on parking/highways

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 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 1.3, Gore Lane contains dwellings of a mix of designs, materials and heights (although the dwellings are generally two storeys tall). As such, the character of the street scene is considered to be varied. However, there is a strong building line along this section of Gore Lane, which the existing Gore Cottage sits forwards of, however the proposed bungalow would be more aligned with.
- 2.4 The proposed bungalow would be a single storey in height only, and although set at a higher ground level than Gore Cottage, due to its siting (being set back from the highway in line with neighbouring dwellings) and being a true bungalow, would be unlikely to significantly detract from the varied character and appearance of the street scene. Views of the site from the wider open countryside would be restricted by the narrow, tree lined Lane and other development to the northwest. As such, it is not considered the development would result in the loss of, or would be unlikely to result in significant harm to the character and scenic beauty of the countryside and wider landscape area in accordance with Policies DM15 and DM16 and Paragraph 170 of the NPPF. The main views of the site would be when stood directly in front of Gore Cottage. There would be some views from the southeast, although these would be limited by the existing boundary wall and neighbouring garage (as well as planting across the frontage of Walnut Tree Cottage). There would be slightly wider views of the site from the northeast, where Gore Lane slopes downwards, however the main views would be of the proposed driveway and boundary fence, with much more limited views of the proposed bungalow itself (due to its siting and the sloping nature of the site). Views of the dwelling from Peak Drive, to the northeast, which contains primarily detached bungalows, would be very limited due to the siting of the dwelling and planting within neighbouring gardens.
- 2.5 Chapter 12 of the NPPF, together with the National Design Guide, sets out design objectives for development. I consider that the simple design and materials of the proposed bungalow, together with its siting broadly in line with the prevailing pattern of development, result in a development which would not unduly detract from the character and appearance of the street scene. I consider that the development would function well and would not detract from the overall quality of the area and would be sympathetic to local history by not dominating views of Gore Cottage. Due to the sloping nature of the site, I do however recommend that a condition is imposed requiring cross sections through the site, with floor and ridge levels of the proposed bungalow submitted to demonstrate the anticipated satisfactory relationship in height to Gore Cottage and neighbouring dwellings. The proposed bungalow would be finished in brickwork

with a slate roof and grey uPVC windows. Should permission be granted, a condition is recommended requiring samples of materials to be used in the construction of the external surfaces of the building to be submitted. Subject to this, it is considered that the proposed materials would be in keeping with the material palette of the area. Subject to these suggested conditions, 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 Heritage Assets

- 2.6 The site is not located within a Conservation Area, however concerns have been raised in respect of impact on nearby Listed Buildings, including Grade II Listed Gore Court, Grade II Listed Wall to Stables at Gore Court and Grade II Listed Barn SW of Gore Court, all located to the southwest of the site on the opposite side of the public highway. Concerns have also been raised in respect of the impact on Gore Cottage itself, which is considered to be a non-designated heritage asset. Chapter 16 of the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out assessment of the impact on heritage assets.
- 2.7 During the course of this application, Gore Cottage was submitted to Historic England for consideration as to whether the building should be Listed. The report by Historic England sets out that the building is thought to date from C17 or earlier, with multiple subsequent phases, however they did not consider that Gore Cottage survives with a significant proportion of early fabric and therefore it was not recommended for listing.
- 2.8 DDC's Principal Heritage Officer has been consulted on this application and considered that "Paragraph 197 of the NPPF requires the significance of a non-designated heritage asset to be considered in determining a planning application. The proposal seeks to erect a single dwelling to the rear; there will be no loss of the historic building (and certainly any application which sought to do so should be considered unacceptable) and the key consideration is consequently how the new dwelling impacts on the very modest form of Gore Cottage in terms of scale. The proposed development is a single storey bungalow situated directly behind the existing dwelling. The plot is not wide, essentially being only slightly greater than the width of the cottage. The proposed new vehicle access will potentially provide a view of the new dwelling but at a distance of 10m behind the cottage the visual impact is unlikely to be harmful, particularly if suitable landscaping is required".
- 2.9 The Principal Heritage Officer recommended that "The scale, design and layout of the proposed new dwelling ensure that it will not be overwhelming within the context, and consequently is not considered to be harmful to the non-designated heritage asset".
- 2.10 Consequently, I consider that the proposals would not directly affect the non-designated heritage asset, however due to the proximity to Gore Cottage and proposed works to create an access driveway, the development would result in negligible less than substantial harm to the significance of the non-designated heritage asset. In accordance with paragraphs 196 and 197 of the NPPF, this negligible harm would be outweighed by the public benefit of the provision of 1 additional dwelling in a sustainable location within the confines which would

contribute to the 5 year housing land supply. In accordance with the recommendation of the Principal Heritage Officer, I consider it is appropriate to restrict permitted development rights for outbuildings (Class E of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) in the interests of visual amenity and to preserve the setting of the non-designated heritage asset.

- 2.11 In respect of the impact on other nearby Listed Buildings, those closest in proximity to the site (approximately 50m from the site) are located to the southwest, on the opposite side of the highway at Gore Court (Grade II Listed Buildings). Whilst it is acknowledged that the setting of Listed Buildings can be appreciated from a wider area beyond the curtilage of the building itself, in this case, the proposed bungalow, being sited to the rear of Gore Cottage and being a single storey in height and of simple design and materials, is not considered to result in harm, either substantial or less than substantial, to the significance of the setting of these nearby Listed Buildings. Consequently, the proposals would preserve the setting of these Listed Buildings, in accordance with Chapter 16 of the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on Residential Amenity

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

Lavender Cottage

- 2.13 Located to the north of the site, this two storey detached dwelling is set at approximately the same ground level as the proposed bungalow. The neighbouring dwelling has no windows on the flank elevation and no windows are proposed on the north elevation of the bungalow. The existing low level fencing would be replaced by a 1.8m timber featheredged fence which would provide both proposed and neighbouring occupants a good level of privacy between neighbouring gardens. Due to the siting and scale of the proposed bungalow, it is considered the development would be unlikely to result in an unduly overbearing impact on neighbouring amenity. Furthermore, the bungalow would be set approximately 4.2m from the boundary with Lavender Cottage and due to this separation distance and the barn hipped roof of the bungalow, the development is considered unlikely to result in unacceptable overshadowing of the neighbouring property. The proposed driveway and parking area would be located to the north side of the bungalow, adjacent to Lavender Cottage. Whilst the vehicle movements would result in some noise and disturbance, the level of movements associated with the three-bedroomed bungalow are unlikely to be so harmful that they warrant a reason for refusal. Nonetheless, in the interests of both visual and residential amenity, it is considered appropriate to suggest a condition for details of landscaping (including hard and soft landscaping, specifying the finish of the driveway) are imposed. The use of a bound driveway (as oppose for example to a gravelled driveway) would reduce the noise from movements along the driveway. Subject to this, the development is considered to accord with the amenity objectives of Paragraph 127 of the NPPF.

Walnut Tree Cottage

- 2.14 Located to the southwest of the proposed dwelling, this two storey detached dwelling has several windows on the flank and rear elevations from which the

proposed bungalow would be visible. There would be a separation distance of approximately 2.5m between the proposed bungalow and dividing boundary, where a 1.8m timber featheredged fence would be installed. This boundary treatment would provide a good level of privacy between users of the two gardens. The proposed bungalow would have one window on the flank elevation facing towards the neighbouring cottage, which would serve a bedroom. The outlook from the window would primarily be the dividing boundary and flank elevation of the neighbouring properties' garage. Whilst the window may be visible from the upper floor windows of the neighbouring property, due to the separation distance between the two dwellings, on balance, I consider this is unlikely to result in such significant harm to privacy to warrant a reason for refusal. Due to the design and scale of the bungalow, the development is considered unlikely to result in a significantly overbearing impact and due to the direction of the sun path (the bungalow being located entirely north of this neighbouring dwelling), the development is unlikely to result in overshadowing to neighbouring amenity. Concerns have been raised in respect of the positioning of recycling storage which could result in smell and disturbance. However, the plan does not specify the location of refuse storage and it is therefore considered appropriate to recommend a condition is imposed requiring details of this to be submitted.

81 Peak Drive

- 2.15 Located to the east of the site, this bungalow is separated by an approximately 1.8m tall fence. The neighbouring bungalow has several windows on the flank (west) elevation from which the proposals would be partially visible (as Peak Drive is set at a slightly higher ground level than the site), however there would be a good separation distance between the two dwellings (approximately 20m at its closest point) and as such, the development is considered unlikely to result in undue harm to neighbouring privacy. Due to the separation distance between the two bungalows and the scale and design of the proposal, the development is also considered unlikely to result in harm to privacy in respect of overshadowing or overbearing impact.

Gore Cottage

- 2.16 In order to facilitate the erection of the proposed bungalow, the garden of the application property would be sub-divided to leave Gore Cottage with a modest garden, and an access driveway would be installed along the northeastern side of dwelling and retained garden. This would be separated by a 1.8m close boarded fence. There are no windows on the flank elevation of this dwelling, however due to its proximity, the use of the access would result in some noise and disturbance to occupants of Gore Cottage. On balance, the number of vehicle movements and level of activity associated with one dwelling is considered unlikely to result in significant harm to the amenity of occupiers of the Cottage. The proposed bungalow would be set at a higher ground level than Gore Cottage, however due to the design and appearance of the bungalow, the development is considered unlikely to result in an unduly overbearing impact. The closest window to Gore Cottage would serve an en-suite bathroom and a condition is suggested for this to be fitted with obscured glazing in the interests of privacy. All other windows on this elevation would primarily overlook the driveway of the proposed dwelling and it is considered the dividing 1.8m boundary fence would adequately preserve the privacy of the neighbouring occupants. The proposed bungalow would cast shadow towards the neighbouring garden during the mornings, however the impact on amenity would

be limited by the gable roofs of the front projections of the bungalow, such that the development would be unlikely to result in significant overshadowing to the neighbouring garden.

- 2.17 Whilst the proposals may be visible at a distance from other nearby dwellings, due to their siting and scale, they are considered unlikely to harm the residential amenities of other nearby occupants and would accord with the amenity objectives of Paragraph 127 of the NPPF in this respect. 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

- 2.18 The proposed three bedroomed dwelling would be of a good size and all habitable rooms would be naturally lit. It would be provided with a private garden to the rear and an area for recycling storage and a cycle shed is shown on the proposed site plan. Subject to a condition requiring details of the proposed refuse storage to be submitted (as this is not shown and as storage if refuse bins at the edge of the highway has been raised by the Waste Officer), 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

- 2.19 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.
- 2.20 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.
- 2.21 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.
- 2.22 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.
- 2.23 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.

- 2.24 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

- 2.25 The vehicle access and parking area to the south of the dwelling would be retained as existing and two parking spaces would be provided for Gore Cottage, in line with the parking provision requirements set out in Policy DM13.
- 2.26 In respect of the proposed dwelling, two parking spaces, together with a turning area (enabling all vehicles to enter and exit the site facing forwards) would be provided. Again, this would accord with the parking provision requirements of Policy DM13.
- 2.27 Concerns have been raised in respect of highways safety, particularly in respect of the visibility from the proposed access for the new bungalow. The amended site plan shows that the visibility splay to the north would cross neighbouring land, outside the control of the applicant or Highway Authority. The southern splay also crosses neighbouring land, however KCC Highways and Transportation have confirmed that if the splay to the north can be achieved, it will allow a driver to move slightly out and gain adequate visibility to the south before exiting the driveway.
- 2.28 In order to secure the visibility splay to the north (2.4m x 43m), a legal agreement would be required. Based on representations and correspondence received, this appears to be challenging to secure, however may be possible at a later date. In light of the response from KCC Highways and Transportation, it is recommended that approval is granted subject to a legal agreement being secured to ensure the provision and maintenance of the visibility splay. It is requested that powers are delegated to Officers so that should a legal agreement not be forthcoming, the application may be refused under delegated powers, as the development would otherwise fail to provide safe access, contrary to the NPPF (Paragraph 109).
- 2.29 In line with The Council's emerging policy approach and with the sustainable transport objectives of the NPPF, it is suggested that should permission be granted, a condition be imposed requiring cabling to be installed to serve one of the spaces associated with the proposed bungalow, to enable the installation of a vehicle charging point.

Impact on Flood Risk

- 2.30 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 (which is to be via soakaway) to be submitted is suggested. Subject to this, the development is considered acceptable in this regard.

Drainage

- 2.31 Southern Water was consulted on the application and advises 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 via the mains sewer and as such, it is not considered necessary to require further details by condition and the development is acceptable in this respect.

Trees/Ecology

- 2.32 During the course of the application, the site, which was previously overgrown, has been largely cleared of the majority of trees and plants which grew within the rear garden and to the northeast side of Gore Cottage. As the building was not Listed, the site is not in a Conservation Area and the trees were not subject to Preservation Orders, permission was not required to clear the site. Whilst the removal of trees is regrettable, they are not considered to have been of such quality to warrant a preservation order. Landscaping is shown on the proposed block plan and a condition is suggested, should permission be granted, for further details of landscaping to be submitted which include both hard and soft landscaping and a schedule of planting.
- 2.33 In respect of ecology, the site has been cleared and, having regard for Natural England's Standing Advice, does not appear to be a suitable habitat for wildlife to reside in.

Archaeology

- 2.34 The site is located within an area of archaeological potential and KCC Archaeology has been consulted on the application. They advise that the site lies on the western edge of the village and finds of Romano-British and medieval dates have been found within fields on the opposite side of Gore Lane. As such, a condition for an archaeological watching brief is suggested should planning permission be granted.

Contamination

- 2.35 Environmental Health Officers have been consulted on the application and raise no objection. However, they recommend that should permission be granted, a condition is imposed requiring any contamination that may be found while the development is being carried out, to be reported to the LPA and for an investigation, risk assessment and any necessary remediation to be carried out. Subject to the implementation of this condition, the development 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 detached dwelling with associated parking and boundary fence and the creation of a vehicle access and associated parking for Gore Cottage (existing garage to be demolished) is considered acceptable in principle in this location. There would be restricted 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. Furthermore, the development is considered to result in no direct harm to heritage assets and the negligible less than substantial harm that would occur would be outweighed by the public benefit of the provision of one additional dwelling in a sustainable location within the settlement confines.
- 3.2 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, for the reasons set out in this report, on balance, the development is considered unlikely to result in unacceptable harm in respect of overbearing, overshadowing or harm to the privacy of nearby residents. Concerns have been raised in respect of visibility from the proposed vehicular access, however as addressed in the report, subject to a legal agreement to secure the required visibility splays, the development would be acceptable in this regard. Subject to the conditions suggested below and a legal agreement being secured, it is considered that, on balance, the proposed development would accord with the aims and objectives of the NPPF.
- 3.3 Should it not be possible to secure a legal agreement, it is recommended that powers be delegated to Officers to refuse the application, as without the necessary visibility splays, the development would fail to provide safe access, contrary to Paragraph 110 of the NPPF.

g) Recommendation

- I SUBJECT TO a legal agreement being entered into with the applicant and the adjoining landowner to secure visibility splays at the access 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) cross sections of the site with ridge and floor levels of the proposed bungalow and Gore Cottage (6) provision and retention of the parking area with drainage measures installed (7) details of surface water disposal (8) cables for EV charging points (9) details of refuse storage (10) bathroom window on northwest elevation to be fitted with obscured glazing (11) removal of permitted development rights for Classes B, C and E of Part 1, Schedule 2 of the GPDO (12) archaeological watching brief (13) unexpected contamination
- II Should the securing of a S.106 agreement referred to in g) I above not be possible, powers be delegated to Officers to REFUSE the application on the grounds that without the visibility splays in place, the development would fail to provide safe access, contrary to Paragraph 110 of the NPPF.
- III Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary S.106 agreement, planning conditions or reasons for refusal and to determine the reasonable period (which should not be more than

2 months from the date of this meeting) within which a decision should be taken to determine the application under g) I or II above, in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Rachel Morgan