

**(a) DOV/20/00936 - Erection of a detached dwelling (amended plans) - 53A Westcourt Lane, Shepherdwell**

Reason for report: Due to the number of objections received.

**(b) Summary of Recommendation**

Planning Permission be Granted

**(c) Planning Policy and Guidance**

Planning and Compulsory Purchase Act 2004

- Section 38(6) – requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

Core Strategy Policies

- 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 functionally requires such a location, or it is ancillary to existing development or uses.
- DM13 – Parking provision should be design-led, based upon the characteristics of an area, 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).

The most relevant parts of the NPPF are summarised below;

- Chapter 2 of the NPPF seeks to achieve sustainable development, which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Sustainable development can be broken down into three overarching and interdependent objectives: an economic objective; a social objective; and an environmental objective.
- Decision should apply a presumption in favour of sustainable development. This means that: development proposals which accord with an up-to-date development plan should be approved without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granting unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
  - The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- Chapter 4 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise and advises that local planning authorities should

consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

- Chapter twelve 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. Planning policies and decisions should ensure that developments:
  - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
  - b) are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping.
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work and visit.
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

#### The Kent Design Guide (KDG)

The Guide provides criteria and advice on providing well designed development.

#### Draft Dover District 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.

#### Dover Land Allocations Local Plan 2015

Nothing applicable

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

There have been various applications at the site including:

DOV/95/00930 - Revised description for pitched roof over existing flat roofed extension - Granted

DOV/95/00930/ - Addition of pitched roof to bay window – Granted

DOV/05/01276 - Formation of new vehicle access (involving excavation works) – Granted

DOV/07/00287 - Erection of 4no. bedroom detached dwelling – Refused

DOV/08/00577 - Erection of detached dwelling – Refused – Appeal Dismissed

DOV/10/00202 - Retrospective application for the widening of the existing vehicular access – Granted

DOV/10/01115 - Certificate of Lawfulness (proposed) for the reduction in levels and widening of existing driveway – Granted

DOV/11/00361 - Erection of a detached bungalow and garage (existing barn to be demolished) (amended plans) – Granted

DOV/11/00361 - Amendments to approved planning permission DOV/11/00361 –construction of partial basement – Refused

DOV/12/00569 - Extension to existing driveway – Granted

DOV/13/00163 - Certificate of lawfulness (proposed) for the erection of a detached garage and a detached outbuilding incorporating games room and office – Appeal Dismissed

DOV/13/00605 - Section 73 application to vary condition 2 of planning permission - Granted

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

Kent Highway Services

Whilst the visibility at the access is below current guidelines, the access has been in place for many years and already serves two dwellings. Visibility wasn't raised as an issue for number 53a by the appeal Inspector in the original refusal and it wasn't raised as an issue in the subsequent approval for 53a. The addition of one dwelling will not add significantly to traffic levels and there have been no recorded personal injury crashes at or in the vicinity of the access in the 10 years to the end of 2019. I therefore concur that a refusal on highway grounds would be unlikely to be successfully defended.

The fire service access is not really a highway issue. I note on the plan there is a comment that tracking will be checked for Building Regs and if not achievable, sprinklers will be installed. I suggest you might want to consult the Fire and Rescue Service on the proposals now to make sure they are happy with that approach.

Kent Fire and Rescue

I have examined the proposed plans and the fire notes added to plan drawing EMA-2020-77-01.

As part of the Building Control application, we will engage highway consultants Tridax Ltd to see if the scheme can comply with the requirements of part B5 of the building regulations Fire Safety Approved document B. They will provide a plan showing a swept path analysis for a fire appliance which indicates a turning circle, hammerhead or other point at which a vehicle can turn so that a fire service vehicle does not have to reverse more than 20m. If this cannot be achieved my client will install a domestic sprinkler system which overrides this requirement.

The proposals outlined in the fire notes are acceptable.

On-site access is a requirement of the Building Regulations 2010 Volume 1 and 2 and must be complied with to the satisfaction of the Building Control Authority who will consult with the Fire and Rescue Service once a building Regulations Application has been submitted.

### Tree & Horticultural Officer

Having looked at the block plan I have no immediate concerns in terms of the location of the proposed dwelling in relation to the protected trees. I'm a little concerned that the garden will be very shaded given the height of the trees present on boundaries to the east, south and west and that will result in post-development pressure. I also think it would be prudent to impose a condition asking for an arboricultural method statement including a tree protection plan to be submitted for approval if you're minded to grant the application.

### Shepherdswell Parish Council

4<sup>th</sup> September 2020

This house is being built in the back garden of a house which has now been built in the back garden of another house which seems to suggest an overdevelopment of the site.

20<sup>th</sup> December 2020

It was resolved to oppose this application because it is considered to be an overdevelopment of the site and a potential problem with emergency access.

### Southern Water

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

16<sup>th</sup> December 2020

The comments in our response dated 10/09/2020 remain unchanged and valid for the amended details.

### Third -Party Responses

Twenty-nine letters of representations have been received, of which twenty-three letters are support and six letters of objections, these are summarised below:

#### Support

- The build is a high-quality dwelling that blend in with the surroundings.
- Its good use of the land.
- There is ample room for the dwelling to be constructed on the land, without interfering with the local countryside, neighbours' views.
- The dwelling will not interfere at all with anyone using the right of way which runs parallel to the land.
- Wonderful addition to the much-needed housing that is encouraged in this village for residents unable to obtain accommodation.
- There is a need for large gardens in shepherdswell to be developed.
- By developing the garden, the look of the area is not affected, the building would not detract from any amenities or the ambience of the surrounding area.
- Regarding traffic the impact would be minimal as Westcourt Lane is a quiet country lane.
- This is a bespoke single development.
- There is ample off-road parking to eliminate any potential traffic congestion.

- Previous new developments built by the applicant have been in keep with the local area, of a high quality and offering ample off-road parking to eliminate any potential traffic congestion.
- The use of a substantial back garden is an ideal opportunity to increase the lack of accessible and affordable housing in the area.
- This application has carefully considered all areas of concern and is exactly the type of additions needed in the village.
- The person this is being built has been in the village since birth and can therefore remain in the community.
- It's a good thing, scraps of land in the village are built on, rather than one mass housing development which are often an eye sore of poorly built substandard housing, in which it all ends up doing is lining the developers pockets and not benefit the community in any way;
- No dwellings are affected.

### Objections

- The application represents further backland development, this is a backland, backland development.
- The development will be visible from adjacent public footpaths and woodland.
- The development will diminish the rural aspect of the neighbouring properties and immediate countryside.
- The impact the proposal would have on the neighbouring property will be disproportionate greater, given its proximity to the border, its ridge height, and the buildings high elevation on rising ground.
- The eastern elevation would run full two metres of the boundary of the adjacent property, with windows in the eastern elevation, ground floor overlooking the garden.
- South facing, second floor dormer windows and an excessively large and overbearing glass fronted staircase will allow unprecedented oversight over our recreational areas than exists at present.
- 53a was built on the scale of an original barn, which had the effect of reducing the overall impact.
- The new development is a 3d tier of development, where no other building has existed, and where no other building has stood.
- Concerns are raised over the water run-off extended driveways and parking areas and will add to the considerable problems provoked by the existing, long driveway and inadequate drainage to this drive that serves 53A.
- A previous application for a three-bedroom chalet bungalow on the site now occupied by 53A was refused in connection with the vehicular movements that would have been generated and was subsequently dismissed at appeal.
- The approved scheme on 53a has had a dramatic and detrimental effect on the privacy and ability to enjoy the amenities to the adjacent dwelling in view of the resulting traffic noise and disturbance.
- The applicant keeps a significant quantity of building materials at the top of driveway and transits the driveway from 53a Westcourt Lane anywhere between 8-10 times a day (or more).
- The applicant also provides parking for one employee on site, and in addition to his work vehicle there are often 3 or more vehicles parked to the forecourt to 53A that also transit the driveway.
- The parking area in front of 53A is more than large enough to service the current dwelling and the proposed development.
- The former garage to 53A now appears to have been developed into mixed residential/commercial usage with further outbuildings to follow.

- The increase in light pollution from the additional dwelling, security/garden lighting, vehicle lights and an extension of the existing driveway lighting over and above that already present.
- The proximity of the proposal to the adjacent boundary will result in further loss of amenity over and above already incurred by the development of 53A.
- Sight lines (views through to the ancient woodland of 20 Acre Shaw Wood) will be lost by the imposition of a crowded development in a formerly open area, with the potential loss of privacy extending for almost half the length of our garden area.
- The dominance of such a large build, hemmed in against the adjacent boundaries would be unnecessarily intrusive and provide that property with uninterrupted views along the main length of the adjacent back garden.
- The extensive, east facing wall will appear large, blank, and incongruous with the potential to cause shade and lost light from a significant proportion of the adjacent back garden at certain times of day.
- The applicant has given little thought or consideration to preserving the neighbouring privacy, as evidenced by the location and size of this two-level build, and no provisions appear to have been made for fencing or other ameliorating factors to reduce its impact.
- In 2006 the 20 Acre Shaw Wood was judged to be a 'Site of Special Interest' by Kent Wildlife Trust; this wood is also recognised this as a 'Site of Nature Conservation Interest' (SNCI) by DDC.
- A public right of way extends along the western boundary of No55 and 53A, and the continuing woodland is a popular public amenity for the village, dog walkers, etc, as well as providing a sanctuary for wildlife.
- Extensive development within the proposed curtilage has already had a detrimental impact on trees at this location, and, as a result of concerns raised by residents in relation to previous applications, TPOs were placed on 5 oak trees within the curtilage of what is now 53A
- Recent preparations for ground works, which led to the removal of boundary conifers has already diminished the rural nature of the site and residents note that under reference DOV/20/00855, further permission has been granted to crown or thin 5 Oak Trees within the curtilage of 53A and 6 Field Maples bordering 20 Acre Shaw wood and Mr McPhees property at 59 Westcourt Lane.
- It can only be anticipated that loss of screening and habitat will have an additional and negative impact on the woodland and wildlife, which are amenities that should be preserved for the enjoyment of all.
- There has already been development on the site, a second larger dwelling would be over-development of the site.
- There are issues with the amount of water, during rainfall that runs down the driveway and onto the road.
- The mere fact of covering another considerable area with concrete, reduces the amount of ground to absorb water.
- The plans show 3 cars parked at the property, which would be in addition to the considerable number of vehicles that already use the driveway, when headlights are required, they shine directly into the bedrooms opposite.
- The proposed development is a two-storey dwelling of considerable size and is not an affordable housing.
- It will stand at a significant elevation about Westcourt Lane and will be seen from the wider open countryside towards the A2 unless the mature trees on the northern boundary are protected.
- This proposed development is directly at odds with the Planning Inspector's comments in his rejection of the Appeal for third tear development at No 59 Westcourt Lane. No 53A being the second tear development.

- More importantly the glazed front elevation of the propose building will destroy the intimate privacy of the neighbouring bungalow no 53 Westcourt Lane and is thus contrary to the guidance set out in the Kent Design Guidance document.
- The existing development policies emphasise the need for well-integrated development that reflects upon the established character of the immediate and surrounding area.
- The built form along the southern side of the west end of Westcourt Lane has a low density of approximately 5 dwellings per hectare. The development of the application site would represent a density of approximately 10 dwellings per hectare. It is submitted that this would result in a cramped form of development out of keeping with the area and that would be atypical to established plot sizes.
- Unless development regulations have changed, any entrance to such a development should have a clear line of sight along the lane in a triangle which is formed by a setback of 2.4m and on a section along the road in each direction from the centre of the access. These figures are given for the 85% percentile speed profile in a 30mph restricted road.
- Although the Applicant has addressed the privacy issues concerning No 53 Westcourt Lane, the proposed dwelling will still run contra to the Planning Inspector's previous refusal to development in Westcourt Lane which would have created a third tear development. (see no 59 westcourt Lane).

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

- 1.1 The application site is located to the south west of Westcourt Lane, to the west of the Shepherdswell settlement. The settlement benefits from a church, village hall, school, medical centre, shops, public house, and railway station. There is a bus stop within approximately 0.6km of the site access, albeit the bus journeys are infrequent. The application site is located within the settlement boundary of Shepherdswell.
- 1.2 Westcourt Lane is predominately a linear development, verdant in appearance and characterised by detached dwellings of different architectural styles and designs. That said, towards the west end of Westcourt Lane (in the location of the application site) there are several examples of backland development. Number 55 Westcourt Lane is a detached dwelling which fronts onto the lane, with off street parking. To the north of the site is number 53a Westcourt Lane (within the same ownership as the application site, (backland development), this property is a detached dwelling and benefits from an outbuilding and off-street parking. To the west of the application site is a detached dwelling known as 53 Westcourt Lane, this property benefits from a substantial garden, which runs parallel with number 53a Westcourt Lane and the application site. The land gradually slopes from north to south. The open countryside wraps around the south side of Westcourt Lane to the north. There are a number of public rights of way surrounding the site, the most prominent are ER88 and ER81 which run parallel to the east and south of the application site. In addition to this, there is an established woodland to the south west of the application site known as 'Twenty Acre Shaw'.
- 1.3 The application site is currently the rear garden of 53a Westcourt Lane, laid to grass and at the time of the site visit, there was evidence the site had in part been cleared. To the west of the application site, is the residential garden in connection with number 55 Westcourt Lane, with the residential curtilage being denoted by a wire fence. Currently in situ along the southern and eastern boundaries of the application site is an established screening, with some trees covered under a Tree Preservation Order.
- 1.4 Planning permission is sought for the erection of a three-bedroom detached dwelling and associated works. The proposed dwelling would measure approximately 11.4 metres in width by approximately 10.45 metres in depth, with an overall height of

approximately 7.2 metres and an eaves height of approximately 2.5 metres. The dwelling consists of kitchen, dining room, utility room, lounge, office/study, and WC on the ground floor. The upper floor consists of a master bedroom with ensuite, two bedroom and a bathroom. The materials to be used are brick, with slate roof over.

- 1.5 The dimensions of the plot are approximately 47 metres x 35 metres (at the widest point) reducing to approximately 24 metres.

## 2. **Main Issues**

The main issues are:

- Principle
- The potential impact on the street scene and immediate vicinity
- Impact on residential amenity
- Appropriate Assessment
- Sustainability overview
- Other matters - Trees

### **Assessment**

#### The Principle of Development

- 2.1 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 is the development plan, unless material considerations indicate otherwise. This starting point for the assessment of applications is replicated at Paragraphs 2 and 12 of the National Planning Policy Framework (NPPF). An important material consideration is the NPPF which seeks to achieve sustainable development. Notwithstanding the primacy of the development plan, paragraph 11 (c) and (d) of the NPPF state that development which accords with an up-to-date development plan should be approved without delay whilst, where there are no relevant development plan policies or where the policies which are most important for determining the application are out-of-date, permission should be granted unless:
- I. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 2.2 In assessing point (i) above, the 'policies' referred to are those relating to: SPA's; SAC's; Ramsar Sites; SSSI's; Greenbelt; Local Green Space; AONB's; National Parks; Heritage Coast; irreplaceable habitats; designated heritage assets (including assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments); and areas at risk of flooding or coastal change.
- 2.3 The Council has now published the Councils Housing Topic Paper, dated 19<sup>h</sup> January 2021 . This sets out that, from the 1st April 2020, Dover District Council has a Local Housing Need of 596 dwellings per annum, which means a requirement of 2,980 dwellings over the five-year period (2020-2025). The Council at can demonstrate 5.39 years' worth of housing supply measured against the governments housing land supply calculation. The council have delivered 80% of the required housing as measured against the housing delivery target, above the 75% figure which would trigger the tilted



balance to be applied It is also recognised that some of the detailed policies applicable to the assessment of this particular application (including Policies CP1 and DM1, are to various degrees, now considered inconsistent with aspects of the NPPF (as set out below). That does not mean however that these policies automatically have no or limited weight. They remain part of the Development Plan and must therefore be the starting point for the determination of the application. Furthermore while the overall objective of a policy might be held out-of-date, greater weight can nevertheless still be applied to it depending of the nature/location of the proposal in question and the degree to which the policy (in that limited context) adheres to and is consistent with the policy approach in the NPPF.

- 2.4 This application must be assessed in line with the “tilted balance “at paragraph 11 of the NPPF which requires that planning permission be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme.
- 2.5 The need to apply the tilted balance is because, as a matter of judgement, the most important policies for the determination of this application are considered to be out of date. These policies are Core Strategy policies CP1 and DM1, as these policies relate to the principle of whether the development is acceptable on this site.
- 2.6 The Council’s Regulation 18 Dover District Local Plan is currently out 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. The draft plan is a material planning consideration for the determination of planning applications, although importantly it has 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, policies within in the draft plan are a material consideration in the determination of the application, albeit it that the 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.
- 2.7 Policy CP1 sets out a settlement hierarchy and provides that “the location and scale of development in the District must comply with the Settlement Hierarchy”. In locations such as the application site, the policy states ‘that it is suitable for a scale of development that would reinforce its role as a provider to essentially its home community. CP1 is considered to be more restrictive than the NPPF. However, within the rural communities the housing purpose is to reinforce and reflect the existing character of the area whilst taking any opportunities to improve design standards. Within paragraph 3.34 of the Dover District Core Strategy this sets out ‘the housing market assessment identified the broad split of demand for market housing to be 40% of three-bedrooms’, the proposed development would positively contribute to this aspiration.
- 2.8 Policy DM1 generally seeks to restrict development, which is located outside of the settlement confines, unless it is justified by other development plan policies or it functionally requires such a location or is ancillary to existing development or uses. In this instance the proposed dwelling is located within the settlement boundary of Shepherdswell and therefore complies with the aim and objective of this policy.  
The Potential Impact on the Street Scene and Immediate Vicinity

- 2.9 Paragraph 127 a) of the National Planning Policy Framework sets out that 'planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development'. The National Planning Policy Framework continues at paragraph 127 c) setting out that 'planning decisions should ensure that developments are sympathetic to local character, including the surrounding built environment, whilst not preventing or discouraging appropriate innovation or change'.
- 2.10 Planning permission is sought for the erection of a three-bedroom detached dwelling and associated works. The proposed dwelling would measure approximately 11.4 metres in width x approximately 10.45 metres in depth, with an overall height of approximately 7.2 metres and an eaves height of approximately 2.5 metres. The dwelling consists of kitchen, dining room, utility room, lounge, office/study, and WC on the ground floor. The upper floor consists of a master bedroom with ensuite, two bedrooms and a bathroom. The materials to be used are brick, with slate roof over.
- 2.11 The original planning application sought permission for a detached dwelling, with a double height gallery within the front elevation and three dormers within the rear roof slope. Whilst the principle of dormers within the roof slope was considered acceptable, concerns were raised over the substantial size of the main dormer being built off the ridge line with a balcony, the overall design was considered to be an unsympathetic form of development and was not considered to integrate well into the existing built environment and amendments were sought.
- 2.12 To overcome these concerns the applicant has simplified the proposed dwelling by removing the two-storey gallery and is proposing an open porch. The original rear roof slope looked cluttered with an over dominate large dormer and two smaller dormers. The current application sees the removal of the large dormer and balcony and incorporates two smaller symmetrical pitched roof dormers with velux windows to allow the light into the family bathroom. These amendments are considered to overcome the previous concerns in respect of the design and visual harm within the immediate surroundings, thus ensuring the proposal would not appear at odds within this location and as such is not considered to adversely impact on the street scene and surroundings.
- 2.13 In addition to this, the applicant is proposing to reposition the proposed dwelling as concerns were raised in respect of having an overbearing impact on the residential amenities currently enjoyed by number 53 Westcourt Lane (discussed later in the report). In order to achieve this aim and taking into account the root of the tree along the western boundary, the applicant has removed the single storey element along the western elevation to reduce the massing further.
- 2.14 To the west and south of the site are a number of footpaths, the most important ones in respect of the proposed development are ER88, ER81 and ER87, where it is accepted the application site would be visible. In addition to this, concerns have been raised by local residents with regards to the land levels being at a higher level than that of Westcourt Lane. However, the proposed development has been designed to keep the bulk, scale, and massing to a minimum to ensure the proposed development would not appear as a dominant feature when read in the context of the proposed dwellings within the immediate vicinity. In addition to this, there is established screening along the western and southern boundaries which would help screen the proposed development when read viewed from these public vantage points. Given the importance of the screening, it is considered appropriate to impose a condition ensuring the retention of the screening at all times. The dwelling would not be highly visible from other public vantage points.

- 2.15 In respect of the means of enclosure no details have been submitted, a further condition can be imposed on this application to ensure the type of enclosure is considered acceptable and would not detract from the visual appearance of the wider context in which the application site sits and would ensure the proposed dwelling would amalgamate into the edge of the village settlement confines.
- 2.16 For the reasons set out above the proposed development is considered to be acceptable in respect bulk, scale, massing, and design and would not result in visual harm within the immediate and wider context of Shepherdsweil. The proposed development is considered to comply with the aims and objectives of the National Planning Policy, in particular paragraphs 127 a) and c).

#### Impact on Residential Amenity

- 2.17 Paragraph 127 f of the National Planning Policy Framework sets out that planning decisions should ensure that developments create places with a high standard of amenity for future users. The proposed dwelling is to be sited within the rear garden of 53A Westcourt Lane. The applicant has positioned the dwelling to limit the potential for direct and perceived overlooking. Within the rear elevation of 53a Westcourt Lane the property benefits from two sets of patio doors which could result in direct overlooking of the amenity space serving the proposed dwelling. However, given the overall dividing distance of approximately 17.5 metres and proposed hedging to denote the dividing boundary, it is not considered that unacceptable overlooking would be caused. I am therefore satisfied the proposed development would not adversely impact on the residential amenities of future and existing occupiers of both dwellings.
- 2.18 Concerns were raised from local residents in respect of the proposed dwelling being built approximately 1.5 metres off the dividing boundary with number 53 Westcourt Lane in that, it was considered the proposed dwelling could have led an unacceptable sense of enclosure. In order to alleviate these concerns, the proposed dwelling has been set back from the dividing boundary by approximately 5.5 metres, with parking space for two cars between the building and the dividing fence. Furthermore, number 53 Westcourt Lane has a garden which runs parallel with the adjacent properties so the occupiers of the property maintain a private amenity space directly to the rear of their property which would remain unchanged from this proposal.
- 2.19 The applicant has designed the proposed dwelling with two windows within the eastern elevation which could cause some perceived overlooking towards the garden area of the adjacent property number 55. However, given the overall height of the window being approximately 2.3 metres high, the dividing distance separating the property and that a 1.8 metre high fence could be erected without the need for planning permission, I am satisfied the perception of overlooking would be limited and would not be sufficient to warrant a reason for refusal, especially given extent of garden serving the adjacent property.
- 2.20 That said, given the location of the proposed dwelling and the constricted nature of the site, it is considered appropriate to remove permitted development for the enlargement of the dwelling house and the addition or alteration to the roof of the dwellinghouse, this will allow the local planning authority to assess any future impacts these changes may cause.
- 2.21 Concerns have been raised from a local resident in respect of the additional movements to and from the proposed dwelling. Whilst I am sympathetic, the current arrangements serving the numbers 55 and 53a Westcourt Lane are using the existing driveway and the additional vehicle movements from one further dwelling are not

considered to be sufficiently harmful to justify refusing the proposed development on this basis.

- 2.22 Given the location of the proposed development within a residential area, it is considered appropriate to impose a condition in respect of the hours of construction to save guard the residential amenities enjoyed by the occupiers of local residents.
- 2.23 In respect of the future occupiers of the new dwelling, the rooms of the proposed dwelling would be of acceptable sizes and would be naturally lit. The internal living conditions of the future occupants would be acceptable. I have noted the comments from Kent Fire and Rescue and, consequently, will be recommending a condition regarding domestic sprinklers.
- 2.24 The applicant is proposing to erect a bicycle and recycle storage unit to the rear of the property, set along the south western boundary. The approximate distance separating this facility and the road is 0.9km, this is considered to be a satisfactory distance in which to put the refuse out along Westcourt Lane. On this basis, I consider this element is acceptable and a condition for the erection and retention of the storage unit can be imposed on the grant of planning permission.
- 2.25 For these reasons set out above, the proposed dwelling is not considered to result in an unacceptable level of harm to the residential amenities of the occupiers of the existing dwellings and the living condition of future occupants, complying with the aims and objectives of the National Planning Policy Framework.

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

- 2.26 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.
- 2.27 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.
- 2.28 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.
- 2.29 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.
- 2.30 Given the limited scale of the development proposed by this application, a contribution towards the Council's 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.

- 2.31 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

#### Transportation

- 2.32 The existing arrangement between numbers 53 and 53a Westcourt Lane is a private driveway running along the eastern boundary and this arrangement would be used to serve the proposed dwelling. Concerns have been raised by local residents in respect of the proposed access and the visibility, therefore advice was sought from Kent Highway Services. Kent Highway Services have advised that 'Whilst the visibility at the access is below current guidelines, the access has been in place for many years and already serves two dwellings. Visibility wasn't raised as an issue for number 53a by the appeal Inspector in the original refusal and it wasn't raised as an issue in the subsequent approval for 53a. The addition of one dwelling will not add significantly to traffic levels and there have been no recorded personal injury crashes at or in the vicinity of the access in the 10 years to the end of 2019. Therefore, a refusal on highway grounds would be unlikely to be successfully defended'.
- 2.33 Furthermore, Kent Fire and Rescue have also been consulted in respect of access for emergency services. The advice received sets that, as part of the building control application, Kent Fire and Rescue will engage with the highway consultant to see if the scheme can comply with the requirements of part B5 of the building regulations Fire Safety Approved document B. However, if this is not achievable the agent has set out the applicants will install a domestic sprinkler system which would override this requirement. A condition requiring details of such a sprinkler system is recommended.
- 2.34 The proposed development would provide a three bedroomed dwelling. Policy DM13 of the Core Strategy sets out that parking should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for residential development should be informed by the guidance in the Table at paragraph 1.44 for residential parking in the Dover District Core Strategy. The minimum requirement would result in the need for two parking spaces; however, the applicant is proposing four car parking spaces, two to the front of the proposed development and two along the eastern boundary, adjacent to the boundary with 53 Westcourt Lane. For these reasons the proposed development is considered to comply with policy DM13 of the Dover Core Strategy.

#### Sustainability Overview

- 2.35 The National Planning Policy Framework seeks to achieve sustainable development. Paragraph 8 of the National Planning Policy Framework states, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These three overarching objectives to sustainable development are economic, social and environmental. In respect of the proposed development these can be divided as set out below:

Economic role – The application is for a detached dwelling and therefore there would be the potential for temporary employment during construction. However, that said given the application site is within the settlement confines there is the potential for the

future occupants to use the shops and facilities thus contributing to the local economy within Shepherdswell.

Social Role – Given the location within 0.6km of a bus stop, it is easily accessible to local services and would support the community's need, social and cultural well-being.

Environmental - The proposed development would make good use of an existing brownfield site. Given the location and its proximity to public transport, this will reduce the need for car journeys. In addition to this, the applicant is proposing to install solar panels integrated within the roofslope and an air source heat pump.

For the reasons set above, it is considered the proposal is considered to be a form of sustainable development and is considered to comply with the aims and objectives of the National Planning Policy Framework

### Other Matters

- 2.36 Concerns have been raised by local residents in respect of the impact the proposed development could have on the existing tree screening along the southern boundary and advice has been sought from Dover District Councils Tree and Horticultural Officer regarding these concerns. The advice received is there are no immediate concerns in terms of the location of the proposed dwelling in relation to the protected trees. However, there are some concerns that the garden will be very shaded given the height of the trees present on boundaries to the east, south and west and that will result in post-development pressure. On the advice of the Tree and Horticultural Office, it is considered reasonable to impose a condition for arboricultural method statement including a tree protection plan to be submitted and approved prior to the commencement of development. Local residents have also raised the issue of a TPO; however, this is within the curtilage of 55 Westcourt Lane and not within the application site. This tree would not be unacceptably impacted by the development. It is on this basis; I am satisfied the proposed development would not adversely impact on the existing trees.

### **3. Conclusion**

- 3.1 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development unless the adverse impacts would significantly and demonstrably outweigh the benefits. In this instance, the proposed development is within the settlement boundaries, so is acceptable in terms of its principle and it is considered the proposed development is sustainable in terms of economic, social and environmental benefits and responds well to the character and appearance of the street scene. In addition to this, it is concluded there is no undue harm to the residential amenities currently enjoyed by the existing occupiers of the surrounding properties and future occupants of the proposal. Therefore, the development is considered acceptable, subject to appropriate conditions and accords with the aims and objectives of the National Planning Policy Framework and policies, CP1, DM1, DM13 of the Core Strategy.

### **g) Recommendation**

I PERMISSION BE APPROVED subject to the following conditions:

1. Time period.
2. In accordance with approved plans
3. Materials
4. Landscaping
5. Drainage details

6. Parking provision
7. Construction management plan
8. Measures to accommodate electric vehicle charging facility
9. Provision of refuse and bicycle storage facilities
10. Removal of permitted development within Part 1, Classes A, B and C
11. Installation of a sprinkler system

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 report and as resolved by Planning Committee

Case Officer

Karen Evans