

- a) **DOV/21/00387 – Erection of two storey rear extension (amended plans)
20 Winchelsea Road, Dover**

Reason for report – Number of contrary views (5 Public Representations + Dover Town 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) (2021)

Paragraphs 2, 7, 8, 11, 38, 47, 48, 110, 111, 130, 134

National Planning Practice Guidance

National Design Guide (2021)

National Model Design Code (2021)

Kent Design Guide (2005)

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**

DOV/06/00144 Erection of a two storey rear extension – Granted

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

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

Dover Town Council – initially objected to the proposals considering they were not in keeping with existing buildings.

On receipt of revised plans, commented “Object. The amended design remains overbearing and too large in the context of existing building and neighbouring properties.”

Public Representations:

Five representations of objection (including photographs, previously approved plans and artist’s impression of before and after) were received and are available to view in the online planning file and are summarised below. Matters such as loss of views and impact on house prices are not material considerations and cannot be considered in the assessment of an application.

- Harm to visual amenity
- Layout and density of building – inappropriate height and massing
- Precedent – no precedent for a 2 storey extension in the terrace/on the street. No other full height extensions in this part of Winchelsea Road.
- Out of keeping with the rest of the houses in the road
- Loss of daylight/overshadowing – impact on light to rear gardens and windows of neighbouring properties (including kitchen, bedroom and bathroom windows). Impact of the reduction in light will be at its greatest in the winter when the sun will be very low in the sky.
- Privacy/overlooking – overlooking of neighbouring gardens. Concerns that any top floor window would look into neighbouring second floor bedroom window.
- Previous application – proposal differs significantly from 2006 application (06/00144) as it is for a full length second storey extension. Previous granted application was for a half length second storey with a slightly pitched roof blended into the current roofline. Proposal is approx. 33% bigger than previously granted permission.
- Property advert (Rightmove) advertises property ‘with planning’
- In respect of revised plans, two further responses were received from previous representees who confirmed they continued to strongly object to these amendments

1. The Site and the Proposal

- 1.1 The application site relates to a two storey mid-terrace dwellinghouse located within the settlement confines of Dover. The site is on the east side of Winchelsea Road, which slopes upwards steeply towards the north and slopes downwards to the east. The site is bounded by No. 18 Winchelsea Road to the south and No. 22 Winchelsea Road to the north.
- 1.2 This application seeks permission for the erection of a two storey rear extension. The design and depth of the extension has been amended from that originally advertised (although has been re-advertised accordingly), with the depth reduced by approximately 0.9m at first floor level, following concerns regarding impact on neighbouring residential amenity. The proposed extension would therefore measure approximately 2.93m in width, 3m in depth at ground

floor level and 2.1m in depth at first floor level. It would have a hipped roof above the ground floor projection (with an eaves height of approximately 2.88m) and a gently sloping roof above the first floor projection, with an eaves height of approximately 5.44m from ground level (measured on the proposed side elevation - View A). The extension would be finished in brickwork with white uPVC windows on the rear elevation and a door on the southern elevation at ground floor level (serving a kitchen). At first floor level would be a third bedroom.

- 1.3 Planning permission was previously approved under application DOV/06/00144 for the erection of a two storey rear extension, however this was not implemented. The extension measured approximately 3.15m in depth at ground floor level, 1.85m in depth at first floor level and had a flat roof at ground floor and lean-to roof above the first floor level. From records, this appears to be the only two storey extension which has been sought and has been granted planning permission within this terrace. The vast majority of dwellings on this side of Winchelsea Road have single storey extensions, which based on their depths, are likely to have been largely constructed under permitted development rights.

2. Main Issues

- 2.1 The main issues for consideration are:
 - The principle of the development
 - The impact on the character and appearance of the area
 - The impact on residential amenity

Assessment

Principle of Development

- 2.2 The 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 adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.
- 2.3 Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located within the defined settlement confines and the proposed extension would be ancillary and the proposal therefore accords with Policy DM1.
- 2.4 DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. Again, as the site is located within the settlement confines, the development accords with Policy DM11.
- 2.5 For the above reasons, it is considered that the development accords with Policies DM1 and DM11. It is therefore concluded that the development

accords with the development plan.

- 2.6 The NPPF advises, at paragraph 11, that proposals that accord with an up-to-date development plan should be approved without delay. An assessment of the most important policies for the determination of the application must be undertaken to establish whether the 'basket' of these policies is, as a matter of judgement, out-of-date. Additionally, criteria for assessing whether the development plan is out-of-date are explained at footnote 7. This definition includes: where the council are unable to demonstrate a five-year housing land supply; or, where the council has delivered less than 75% of the housing requirement over the previous three years (as assessed by the Housing Delivery Test).
- 2.7 Having regard for the most recent Housing Topic Paper, dated 19th January 2021, the Council are currently able to demonstrate a five-year supply. 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, however, necessary to consider whether the 'most important policies for determining the application' are out of date.
- 2.8 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 596 dwellings per annum. As a matter of judgement, it is considered that policy DM1 is in tension with the NPPF, is out-of-date and, as a result, should carry only limited weight.
- 2.9 Policy DM11 is consistent with the NPPF which seeks to focus development in locations which are or can be made sustainable, where there is access to a range of modes of transport (including walking and cycling) and where development will support existing facilities and services, and social integration. It is considered that the blanket restriction imposed under (1) of DM11 however is contrary to the NPPF, albeit the remainder of the policy broadly accords with the NPPF. Insofar as this application is concerned, it is considered that DM11 is not out-of-date and should continue to attract significant weight.
- 2.10 The Council is in the Regulation 18 or 'consultation' phase of the draft Dover District Local Plan. 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. At this stage the draft 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 therefore, policies within in the draft plan are material to the determination of the application, albeit the policies in the draft Plan have little weight at this stage and do not materially affect the assessment and recommendation.

- 2.11 Consequently, it is considered that the development plan policy most important to the determination of the application (Policy DM1) is out of date and as such, the tilted balance approach of Paragraph 11 of the NPPF is engaged.

Impact on the Character and Appearance of the Street Scene

- 2.12 The proposed extension would be sited to the rear of the terrace and although the road slopes upwards towards the north, it is considered there would be limited public views of the extension. Nonetheless, the extension would be finished in brickwork to match that of the main dwelling (it is suggested to impose a condition in the interests of amenity). Whilst flat roofs are not generally encouraged, as this would limit the height of the development and would not be widely visible, on balance, the development is considered unlikely to result in undue harm to visual amenity.

Impact on Residential Amenity

- 2.13 The proposed extension would be visible from a number of properties within the terrace and as a result of concerns regarding impact on residential amenity (as discussed at paragraph 1.2 of this report), the depth of the first floor of the extension was reduced and the development re-advertised accordingly.
- 2.14 Due to the orientation of the site and direction of the sun path, the proposed extension would cast some additional shadow across the rear gardens and rear elevations of properties to the north, which sit at a higher ground level. This would be largely during the morning and midday. During the afternoons, due to the orientation of the terrace and lower roof height of the proposed extension, the majority of the development would sit within the shadow of the existing terrace and would be unlikely to result in significant overshadowing. As such, the development would result in some additional overshadowing to properties to the north for part of the day.
- 2.15 In respect of overbearing impact, the development would be directly visible from the rear gardens of neighbouring properties and rear windows. No other properties within the terrace have first floor rear extensions, and whilst permission has previously been granted at this address, and notwithstanding that the depth of the first floor extension has been reduced from the original submission, it is approximately 0.25m deeper than the previously approved scheme (which was not implemented).
- 2.16 The agent has set the first floor back so that it does not intersect a 45 degree angle taken from the centre point of the neighbouring first floor window (at No. 22 Winchelsea Road) which is believed to serve a bedroom. Notwithstanding this, the flank elevation of the extension would be directly visible from the neighbouring property. This would result in a sense of enclosure not currently experienced by occupants of this property and other occupants of properties to the north of the site, albeit the impact would be limited by the scale of the proposed extension. In respect of properties to the south of the site, whilst the

extension would be visible and would be at an elevated position (due to the higher ground level of the application site), due to the scale and appearance of the extension, which would be set away from the southeastern boundary, this is considered unlikely to result in an unacceptably overbearing impact to the properties to the south.

2.17 In respect of privacy, the extension would contain a window on the rear and door on the flank (southeast) elevation at ground floor level (serving a kitchen) and a window on the rear elevation at first floor level. These would predominantly overlook the garden of the application site, however due to the sloping ground level of the terrace, there would be some wider views across the rear gardens of neighbouring properties, particularly those to the south which are at a lower ground level. However, there is already a window at first floor level on the existing rear elevation and it is considered that the proposal would be unlikely to result in unacceptable further overlooking or loss of privacy to neighbouring residents. In order to prevent direct interlooking to neighbouring properties, it is considered appropriate to suggest a condition is imposed preventing the installation of windows on the flank elevations of the extension under permitted development rights, as it is considered that obscure glazed or non-opening windows on these elevations (which could normally be installed under permitted development rights) could result in perceived inter/overlooking or loss of privacy.

2.18 Consequently, whilst the proposed extension would result in some additional overshadowing to neighbouring properties during the morning and afternoon and some sense of enclosure to the properties at a higher ground level to the north of the site, it is considered the proposals would be unlikely to result in unacceptable harm to privacy. On balance, and subject to the conditions suggested, the impact on the residential amenities of neighbouring occupiers is considered acceptable.

Other Material Considerations

Impact on Parking/Highways

2.19 The existing property contains one bedroom and under the proposed scheme, two further bedrooms would be created. In respect of Policy DM13, the site is considered to be located 'edge of centre' as on street parking is at or very close to saturation. DM13 would require a maximum of one parking space to be provided for a dwelling of this size. In this instance, no off-street parking is currently available and none could be provided as part of the proposals. Nonetheless, as the requirement is for a maximum of 1 space, the proposals would comply with this policy.

Impact on Flood Risk

2.20 The application site is located in Flood Zone 1 which has the lowest risk from flooding and due to the size of the site (less than 1 hectare), a flood risk assessment is not required. The development is considered acceptable in this regard.

3. Conclusion

3.1 The application site is located within the settlement confines and the proposed two storey extension is considered acceptable in principle in accordance with Policy DM1. Due to the siting of the proposal, the extension is considered unlikely to result in harm to the character and appearance of the street scene. The proposal would result in some overshadowing to properties to the north during the morning and afternoon, however this would be somewhat limited by the height and depth of the extension. The extension is considered unlikely to result in undue harm to privacy and whilst some neighbouring occupants may experience a sense of enclosure, on balance, the impact on the residential amenities of nearby occupiers is considered acceptable. Having regard to the tilted balance engaged by Paragraph 11 of the NPPF, for the reasons outlined above, it is considered that the disbenefits of the application do not significantly and demonstrably outweigh the benefits of the development. Subject to the conditions suggested below, it is considered, on balance, that the proposed development would accord with the aims and objectives of the NPPF.

4. Recommendation

- I PERMISSION BE GRANTED subject to conditions:
(1) Standard time condition, (2) list of approved plans (3) matching materials (4) restriction of permitted development rights to install windows on the flank elevations of the extension

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

Case Officer:
Rachel Morgan