

a) **DOV/20/01008 – Erection of an outbuilding (retrospective) - 8 Church Farm Mews, The Street, East Langdon**

Reason for Report: Six contrary views

b) **Summary of Recommendation**

Planning Permission be GRANTED

c) **Planning Policy and Guidance**

Dover District Core Strategy

- DM1- Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.

National Planning Policy Framework (2021) (NPPF)

- 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 seeks to achieve sustainable development.
- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These three overarching objectives are interdependent and need to be pursued in a mutually supportive way.
- Paragraph 11 states that where development accords with an up-to-date development plan it should be approved without delay; or where there are no relevant policies or the most important policies for the determination of the application are out of date, then also granting consent. Where there is a clear reason for refusing the proposed development due to conflict with an area/asset of particular importance (as identified in the framework); and/or where any adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when taking the Framework as a whole, then planning permission should be refused.
- Paragraph 130 requires that planning policies should ensure that well-designed places are achieved, with the creation of high-quality buildings that create a high standard of amenity for existing and future users
- Paragraph 170 requires that the planning system contributes to and enhances the natural and local environment, by recognising the intrinsic character and beauty of the countryside, protecting valued landscapes, geological conservation interests and soils, recognising the value of ecosystems, minimising impacts on, and where possible enhancing, biodiversity, preventing pollution and remediating contamination.

Kent Design Guide

National Design Guide

d) **Relevant Planning History**

Original Planning permission – 05/01442 - Erection of 9 dwellings, 2no. covered parking structures, associated car parking, alterations to existing vehicular access and creation of pedestrian access, erection of stable block, restoration of pond and erection of means of enclosure and ancillary works (existing barns to be demolished) - Granted

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

Langdon Parish Council – objection – recommended the following solutions:

- Paint the building black to blend in with surrounding properties
- Move outbuilding away from boundary
- Increase height of fence to screen office from view
- Assess light pollution form outbuilding
- Reroute rainwater guttering

County Archaeologist - no archaeological measures are required

Third Party Comments - A total of five individuals have raised objections to the proposal summarised as follows:

- Too high when adjacent to boundary
- Noise pollution
- Light pollution
- Materials are inappropriate
- Replaces shed which was much smaller
- Breach of covenant
- Poor communication about build

In addition, thirty letters of support have been received, raising the following points:

- The owners need additional space
- The design and materials used are appropriate to the area
- Does not overlook neighbouring property and is only slightly taller than fence
- Fit for desired purpose
- Flat roof is similar to that seen on other nearby properties
- Materials will weather in, in time
- Replaces a rotten shed and is further away from the boundary than the shed
- Would be permitted development

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

1.1 The application relates to a two-storey terraced dwelling on the southeast of Church Farm Mews in East Langdon. This property is finished in black timber cladding with a tiled roof.

1.2 The site is within the village confines of East Langdon. The principal elevation of the property faces towards a parking area within Church Farm Mews.

1.3 8 Church Farm Mews is attached to 7 Church Farm Mews to the northwest and 9 Church Farm Mews to the southeast. It is also bounded by 1 Church Farm Mews to the northeast. The area comprises a quiet, well established residential area.

1.4 The application is for a single storey outbuilding to the northeast of the main dwellinghouse. The outbuilding has already been constructed and measures 4.6 metres wide by 3.2 metres deep at its narrowest point and 4.2 metres at its deepest

with a maximum height of 2.5 metres. The outbuilding has created a home office and has been finished in vertical western red cedar cladding with the roof finished in rubber single ply membrane with aluminium clad black overhang. The door and window are aluminium.

## **2 Main Issues**

2.1 The main issues for consideration are considered to be:

- The principle of the development
- Residential amenity
- The character and appearance of the area

### **Assessment**

#### **Principle of Development**

2.2 The site is located within the settlement confines and the creation of ancillary residential accommodation in this location would accord with Policies CP1 and DM1. As such, the development is acceptable in principle, subject to impact on visual and residential amenity and other material considerations.

#### **Character and Appearance**

2.3 The NPPF states that planning decisions should ensure that developments 'will function well and add to the overall quality of the area', be 'visually attractive as a result of good architecture, layout and appropriate and effective landscaping', be 'sympathetic to local character and history' and 'establish or maintain a strong sense of place' (paragraph 130). Furthermore, paragraph 170 states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by... recognising the intrinsic character and beauty of the countryside'.

2.4 The outbuilding is not visible from the public highway or from surrounding areas due to its location within the rear garden. The outbuilding replaced a shed which sat on a similar footprint to the new outbuilding.

2.5 The outbuilding has been finished in vertical western red cedar cladding. While different from surrounding finishes, the manner in which this natural material is used, creates a soft/clean finish which is not unattractive to the eye. In addition to the prevailing boundary screening, which partially screens the building from neighbouring gardens, it's not considered that the appearance of the outbuilding unduly jars with the prevailing character such that it is harmful or injurious to the visual quality of Church Farm Mews.

2.6 For the above reasons, the development is considered to be acceptable in this location and is not visually inappropriate to its context.

#### **Residential Amenity**

2.7 The nearest property to the proposed extension is 1 Church Mews. This is to the northeast of the application site and sits at a lower ground level than the application site. There are no windows located within the rear elevation of the outbuilding, thereby preventing the potential for any overlooking to the property. The shed which sat on this footprint previously spanned most of the width of the garden and was on the boundary of 1 Church Mews. The new outbuilding is set slightly away from the boundary by approximately 0.5 metres. The height of the outbuilding is 2.5 metres,

half a metre taller than the existing fence which is set along the boundary line. The additional height is noticeable and the change in ground level does make the outbuilding more visible when viewed from 1 Church Farm Mews. That said, taking into account the 0.5m set off from this boundary and the 'soft' wood appearance of the structure, the on-balance view is that the outbuilding does not result in unacceptable visual intrusion and/or an overbearing impact on the living environment within this property sufficient to warrant the refusal of planning permission.

- 2.8 The other properties which share a boundary with the host dwelling are 7 and 9 Church Mews. The footprint of these properties are at least 10 metres away from the outbuilding, which is located at the end of the garden. The rear of these properties and their immediate garden areas are considered to be at a suitable distance so as to not experience an overbearing impact, overshadowing or any loss of privacy from the outbuilding.
- 2.9 I do not consider there would be any harm to the residents of these properties caused by this outbuilding. Photographs will be shown at the committee meeting to convey the appearance of the building from the neighbouring properties.
- 2.10 Third parties have raised a couple of queries which require consideration. Firstly, given the limited scale of the building, it is not considered that any significant light pollution would be caused. Likewise, it is unlikely that any significant noise would be generated from the outbuilding, given its limited size. Secondly, the roof would fall from south west to north east, with the north eastern elevation set away from the boundary by 0.5m. Consequently, any guttering would overhang the garden of the host property, rather than a neighbour. Finally, neighbours have commented that the outbuilding may breach covenants. Covenants are not material to the assessment of planning applications and cannot, therefore, be taken into account. Instead, any breach of covenant would be matter between the parties.

### **3. Conclusion**

- 3.1 The outbuilding for use as a home office, due to its design and appearance, would not be out of keeping with the immediate character of the surrounding area. The building is quite discreet, not being readily seen from any public vantage point. Furthermore, for the reasons outlined above, while the proposal will have some impact on adjoining occupiers, the conclusion is that this impact (in respect of overshadowing, overbearing or loss of privacy) does not cause harm sufficient to justify the refusal of the application. Consequently, the proposals would not conflict with the overarching aims and objectives of the NPPF.
- 3.2 I therefore recommend planning permission be granted.

### **g) Recommendation**

I Planning permission be GRANTED subject to the imposition of the following conditions:

- (1) 3-year time limit for commencement,
- (2) compliance with the approved plans
- (3) No openings on northeast elevation
- (4) Use of the outbuilding to remain incidental to the residential use of 8 Church Farm Mews.

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

Case Officer

Amber Tonkin