

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

Reason for Report: 6 contrary views

b) **Summary of Recommendation**

Planning Permission be GRANTED

c) **Planning Policy and Guidance**

Dover District Core Strategy

- DM1

Regulation 18 draft Dover District Local Plan

The consultation draft of the Dover District Local Plan is a material planning consideration in the determination of this planning application. At this state in the plan making process (early), 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.

National Planning Policy Framework (2021) (NPPF)

- Paragraphs 2, 7, 8, 11, 130 and 189-198.

Kent Design Guide (2005)

National Design Guide (2021)

Section 72(1) of Planning (Listed Buildings and Conservation Area) Act 1990

d) **Relevant Planning History**

Original Planning permission – DOV/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 Representations**

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 from outbuilding
- Re-route rainwater guttering

KCC Archaeology - 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:

- Owners need additional space
- 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 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. The rear boundary is a 2-metre-high timber fence with pots of bamboo planted between the fence and the outbuilding. The site is within the village confines of East Langdon and within the East Langdon Conservation Area. The principal elevation of the property faces towards a parking area within Church Farm Mews. 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 a detached dwelling to the northeast. The area comprises a, well established residential area.

1.2 The application is for a single storey outbuilding to the northeast of the main dwellinghouse, sited at the end of the rear garden. 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 flat roof finished in rubber single ply membrane with aluminium clad black overhang. The door and window are aluminium. The outbuilding replaces an original garden shed.

2 Main Issues

2.1 The main issues for consideration are considered to be:

- The principle of the development
- Impact on Conservation Area and visual amenity of the area
- Residential amenity

Assessment

The 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 Policy DM1. As such, the development is acceptable in principle, subject to impact on visual and residential amenity and other material considerations.

Impact on Conservation Area and Visual Amenity

- 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, Paragraphs 201 and 202 require that regard must be had for whether development would cause harm to any heritage asset (both designated and non-designated), whether that harm would be substantial or less than substantial and whether, if harm is identified, there is sufficient weight in favour of the development (public benefits) to outweigh that harm. Regard must also be had for Section 72(1) of Planning (Listed Buildings and Conservation Area) Act 1990 which states that, 'In the exercise, with respect to any building or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 2.4 The outbuilding as constructed is not visible from the public highway or from the surrounding area due to its location within the rear garden. Therefore, as set out in Paragraph 202 of the NPPF, the addition of the outbuilding is considered to result in less than substantial harm to the Conservation Area.
- 2.5 The outbuilding replaced a shed which was sited on a similar footprint to the new outbuilding. The outbuilding has been finished in vertical western red cedar cladding, that will weather naturally over time. While different from surrounding finishes, the manner in which this natural material is used, creates a soft/clean finish which is not visually unattractive. 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 is unduly out of keeping 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. It has a limited impact on the visual amenity of the area and is in accordance with paragraph 130 of the NPPF.

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 approximately 0.4 metres lower than the application site. The rear elevation of 1 Church Mews is sited 6 metres from the boundary fence. There are no windows located within the rear elevation of the outbuilding, thereby preventing the potential for any overlooking of this property. There is a window to the side elevation which would face towards the boundary fence of 7 Church Farm Mews. The shed which was previously sited on this footprint spanned most of the width of the garden and was sited on the boundary of 1 Church Mews. The new outbuilding now constructed is sited slightly away from the boundary by approximately 0.2 metres. The height of the outbuilding is 2.5 metres, 0.5 metres taller than the existing 2m high timber fence which is sited along the boundary line at the higher ground level of the application site. The total height is therefore approximately 2.9 metres. The additional height of the outbuilding is noticeable and the changes in ground levels do make the outbuilding more visible when viewed from 1 Church Farm Mews. That said, taking into account the building is set slightly off of this boundary and the 'soft' wood appearance of the structure, the on-balance view is that the outbuilding does not result in an unacceptable visual intrusion or has an overbearing impact on the living environment within and the

residential amenities of 1 Church Mews that would be sufficient to warrant a refusal of the planning application.

- 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 sited at least 10 metres away from the outbuilding, which is located at the end of the rear garden. The rear elevations 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. It is not considered that there would be any harm to the residential amenities of these properties as a result of this outbuilding. The proposal would therefore be in accordance with paragraph 130(f) of the NPPF.
- 2.9 Third parties have raised a couple of queries which require consideration. Firstly, given the limited scale of the building and the limited openings, 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, beyond that expected from any other type of ancillary residential outbuilding. Secondly, the roof would fall from south west to north east, with the north eastern elevation set away from the boundary at the lowest point. Consequently, any guttering would overhang the garden of the host property, rather than a neighbouring property. Finally, neighbours have commented that the outbuilding may breach covenants. Covenants are not a material consideration to the assessment of a planning application and cannot, therefore, be taken into account. Instead, any breach of covenant would be a matter between the relevant parties.
- 2.10 A number of objections have also requested that the outbuilding should be repositioned elsewhere, the appearance altered and/or the fence height increased. However, Members are aware that a decision needs to be made on the application before them and as set out in the report, there are no visual or residential amenity concerns or any planning grounds that justify a need for these suggested amendments.

3. Conclusion

- 3.1 The outbuilding for use as a home office, due to its design, size and appearance, would not be out of keeping with the immediate character of the Conservation Area or 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 limited visual impact on adjoining properties, the conclusion is that this impact 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 and it is recommended that planning permission should be approved.

g) Recommendation

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

- (1) compliance with the approved plans
- (2) No openings on north-east elevation
- (3) Use of the outbuilding to remain ancillary 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 the Planning Committee.

Case Officer

Amber Tonkin