

- a) **DOV/21/00317 – Planning Application: Erection of a three-storey detached building to incorporate 5 self-contained flats; erection of two-storey and single storey rear extensions to existing 12 terraces, insertion of 2 dormer windows and alterations to fenestration (existing single storey rear extensions to be demolished). Erection of single storey rear extension to existing boathouse with alterations to fenestration. Reconfiguration of internal access road, relocation of parking area, 8 additional parking spaces and associated landscaping (Re-advertisement, amended drawings)**

**DOV/21/00318 – Listed Building Consent Application: Works to terrace to include demolition of existing single storey rear extensions and erection of two-storey and single-storey extensions to the rear; insertion of 2 dormer windows; insertion of 2 windows to southwest elevation; alteration of window to ground floor on south-east elevation; Internal works to include demolition and erection of new partition walls. Works to former boathouse to facilitate conversion to residential to include erection of single storey rear extension and internal partitions; Extension and conversion of existing single storey outbuildings to provide office space/storage**

### **Coastguard Cottages, Bay Hill, St Margaret's Bay**

Reason for report – Called in due to the number of objections.

- b) **Summary of Recommendation**

21/00317 - Planning permission be approved subject to conditions and S106 agreement.

21/00318 - Listed Building Consent be granted subject to conditions.

- c) **Planning Policy and Guidance**

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent the local planning authority “*shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.*”

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the planning authority should pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses.

Section 72 of the Act 1990 requires that the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

#### Core Strategy Policies (2010) (CS)

DM1, DM11, DM13, DM15, DM16

#### National Planning Policy Framework (NPPF) (2021)

7, 8, 11, 60, 69, 78, 79, 110, 111, 119, 130, 174, 176, 180, 194, 195, 197, 199, 200, 202, 206

#### 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.

#### Land Allocations Local Plan

Annex 1 to the Plan draws on the District Heritage Strategy in order to provide guidance on preparing heritage statements to support planning applications.

#### Dover District Heritage Strategy

An objective of the Strategy is to ensure that the “*District’s heritage assets are sustained and enhanced so as to best meet the needs of the present without compromising the ability of future generations to appreciate their significance*”.

#### The Kent Design Guide (KDG)

The Guide provides criteria and advice on providing well designed development that takes into account context as part of the evolution of the design.

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

##### Adjoining site to the northwest:

- 19/01489 - Erection of 3 dwellings (existing dwellings to be demolished) – Refused and dismissed at appeal on 21 January 2021 for the following summarised reasons:
  - The development would fail to preserve or enhance the character of the conservation area and the setting of the grade II listed buildings

#### e) **Consultee and Third-Party Representations**

KCC Highways: The proposal is outside of the remit for comment.

KCC PROW: No comments to make. The proposals would have little impact on the PROW.

KCC Ecology: No objections. Advise that sufficient ecology information has been provided. Recommend ecological management and enhancement conditions.

KCC Archaeology: No comments received.

KCC Economic Development: Site is more than 0.5 ha and request contributions to mitigate the additional impact on the delivery of services.

- Primary education - **£6,800** – towards the development of the new 2FE Primary School Whitfield Aspen
- Secondary education – **£4,540** – for the expansion of Dover Christ Church Academy.
- Community learning – **£82.10** – towards Dover Adult Education.
- Youth service – **£327.50** – towards Dover Youth Service.
- Libraries – **£277.25** – towards the service and stock at St Margaret’s-at-Cliffe library and the mobile library attending River.
- Social care – **£734.40** – towards specialist care accommodation in Dover.
- Waste – **£272.35** – towards improvements at Dover Household Waste Recycling Centre.
- Broadband informative.

Historic England: Do not wish to offer any comments. Suggest the views of the Council's specialist conservation adviser are sought.

Southern Water: There is a foul sewer and rising main crossing the site. Clearance between soakaway and public sewer is required.

Environmental Health: No objections. Recommend precautionary contamination condition and a construction management plan condition.

St Margaret's Parish Council – Objects to the original and revised scheme as summarised:

- The design of the new building is discordant with the heritage asset.
- Scale of the new building does not respond positively to local context.
- New building does not contribute to the significance of the listed building or conservation area and has no mitigating public benefit.
- Main issue is the relocation of the parking area in the garden area.
- Loss of open space in the CA.
- Refurbishment of the cottages is viable without the new building.
- Increase noise and pollution.
- The car park would not contribute to the setting of the listed building or CA.
- Highway safety impact from car park and use of gardens.
- The location of the car park location is not practical for residents.
- Insufficient parking.
- Application 19/01489 on land bordering Coastguard Cottages was refused.
- Measures to minimise climate change do not form an integral part of the design.

Victorian Society: Objects. Amendments have not overcome previous concerns. Comments as summarised below:

- Negative impact on the listed building and Conservation Area.
- Not opposed to extending the listed building or a new building in the car park.
- Design and massing are inappropriate.
- Simplicity of the form of the Cottages is a key characteristic.
- Extensions would dominate the rear elevation of the LB.
- New build would overpower the cottages.
- Design and materials incongruous to the setting of the LB.
- Proposals would lead to less than substantial harm and does not meet the para. 196 of the NPPF.
- Agree that the proposed works involve demolition of less than half the area of the rear elevation and do not involve major internal demolitions and therefore do not comprise relevant works. Confirm that the application should not be referred to the Secretary of State.

St Margaret's Bay Conservation Association: Objects for the following summarised reasons:

- Increased traffic movements at the top of Bay Hill.
- Increased bulk and massing.
- Visual impact of elevated car park.
- View of the rear extensions from the road and impact on the listed building.
- The impact of the parking on the existing landscaping.

- Demolition of part of the listed building.
- Outside the settlement boundary.
- Increase in density.
- Internal spaces are cramped and awkward.
- Ill-considered scheme and the revisions do not address previous concerns.

Third Party Representations:

47 objections to the planning application and 14 objections to the listed building application have been received. Material considerations are summarised below. Matters such as impact on an individuals' property value, financial intentions of the applicant etc. are not material planning considerations and are not included below.

- Amendments do not overcome original objections.
- Vehicle and pedestrian safety.
- Will change the nature of the community.
- Biodiversity impact of the new car park.
- New building and extensions not in keeping with listed building.
- Cottages need refurbishment but should be sympathetic to existing building.
- Harmful impact on the character of the area.
- Overdevelopment of the site.
- Harmful impact on the setting of the listed building and conservation area.
- Loss of affordable housing for local community.
- Removal of trees.
- Highly visible from several public vantage points.
- New building is disproportionately large.
- Loss of affordable housing to second homes.
- Overlarge, overwhelming, and out of character.
- Loss of privacy.
- Design of the new building is out of keeping.
- New building would be highly visible.
- Impact on existing services.
- Impact on existing drainage systems.
- Contrary to the NPPF.
- Loss of open rural space.
- Harmful to the AONB.
- Insufficient parking.
- No affordable housing is proposed.
- Partial demolition of the listed building.
- Loss of views.

**f. 1. The Site and Proposal**

The Site

- 1.1 The application site comprises a grade II listed building known as Coastguard Cottages which contains 12 residential units. The site also contains a detached pitched roof boat house / studio apartment located to the north of Coastguard Cottages. To the rear of the Cottages are a row of single-storey outbuildings.
- 1.2 The site is in the rural area within the setting of the AONB and is located to the south of the settlement boundary of St Margaret's Bay and is within the St Margaret's Bay conservation area. The Cottages and boathouse sit within a steeply sloping site towards the top of Bay Hill before it drops down to the shoreline of St Margaret's Bay.

- 1.3 Vehicle access onto Bay Hill is in the northeast boundary of the site and an access drive passes the front of the grade II listed building leading to a parking court adjacent the southern end of the building. To the front of the building is an extensive area of sloped/stepped communal gardens with trees and planting on the southeast and northeast boundary. To the northwest of the site is a vacant area of raised grassland with residential properties beyond. There are residential properties to the southwest of the site on the opposite side of a private access drive and PROW. There is a large, detached property with extensive grounds located to the southeast of the site beyond the communal gardens. To the east of the site is woodland/dense vegetation.
- 1.4 PROW ER281 follows the northern boundary of the site along Bay Hill and provides access down towards the coast through the dense vegetation to the east of the site. PROW ER24 follows the south-western boundary of the site and links into St Margaret's Road. PROW ER38 links with the stepped path at Beach Road to the southeast of the site. There are further PROW located to the south and east of the site along the coastline.
- 1.5 Coastguard Cottages was listed in May 1974 at grade II. The listing description reads:
- 1.6 *Coastguard Cottages, now private row of houses. Dated 1884. Roughcast with slate roofs. South end elevation finished in corrugated sheet cladding. Two storey main range with pilaster quoins and brick corbelled eaves and 2 gables breaking eaves line. Three large square stacks ranged left to right. Seven 2-light mullioned windows, centre 2 raised in gables, with anchor motifs over. Six mullioned windows on ground floor, and panelled doors in gabled porches to left and to right. Moulded semi-circular arch to centre leads through to rear courtyard with datestone 1884 over. Linked to D-shaped block to right by slate and wood porch/bridge. Three storey block, the semi-circular end projecting forward, with 3, 4 and 2 light mullioned windows to fore, and irregular fenestration to rear range.*

### The Proposal

- 1.7 The proposals comprise the erection of a three-storey detached residential building to the southwest of the grade II listed building on the area of the existing parking court. Amended plans have been submitted during the application following a review of the original scheme by the Design Panel. The proposal comprises a contemporary building on an irregular shaped footprint with curved section on the front and side elevation at ground and first floor, including curved first floor balconies, with a recessed flat roof third storey, which also incorporates curved glazed sections at the front and large terrace area. The ground and first floors would be finished in white render and the top floor would be finished in vertical timber boarding with a green/living roof. The lower terrace areas and upper floor balconies would have privacy screens formed of kiln dried oak vertical cladding. The accommodation proposes two two-bed units on the ground and first floor and a three-bed unit on the upper floor.
- 1.8 The alterations to the grade II listed building include the demolition of the single-storey lean-to rear sections and replacement with part single, part two-storey extensions, partly incorporating a curved rear elevation. The single-storey sections would have a glass roof above the kitchen/dining areas and the two-storey curved element would be finished in white render with a mono-pitch metal roof. Two new dormer windows are proposed on the southwest roof slopes of the three-storey sections of the building. Two windows are proposed in the southwest elevation and alterations/enlargement is proposed to a ground floor window on the southeast elevation. The proposals also

include the demolition and new internal partition walls to the listed building to improve the existing accommodation.

- 1.9 Works to the curtilage listed boathouse include new internal partitions and a single-storey curved rear extension with a flat green roof to facilitate conversion to a two-bed residential unit.
- 1.10 To the rear of the listed building the curtilage listed single-storey row of outbuildings would be converted to home offices and storage space for the existing and proposed units with a new stepped access between the buildings providing access to the raised communal gardens above.
- 1.11 The proposals include the relocation and expansion of the existing parking court. The new flatted building would be located on the site of the existing parking court and as a result a new parking court is proposed to the east of the vehicle access. The parking court provides 20 parking spaces. The relocation of the existing car park allows the existing vehicle driveway to be removed from the front of the grade II listed building and this area would become a dedicated pedestrian route with a low-level wall and steps providing access to the communal gardens at the front of the site. Low walls surround the parking court, new front gardens and pedestrian access for the grade II listed building and link up with the new building to create a new landscape feature.
- 1.12 The scheme proposes new planting around the parking court area, within the newly defined front gardens of the grade II listed building and detached boathouse and at the front and side of the lower terrace area of the new building. Supplementary tree planting and native planting is also proposed to the side of the new building adjacent the boundary and within the southern section of the communal gardens.

## **2. Main Issues**

- 2.1 The main issues for consideration are:
  - Principle of the development.
  - Design and visual amenity.
  - Heritage impact. Grade II listed building and Conservation Area.
  - Impact on rural locality and AONB setting.
  - Impact on Residential Amenity.
  - Highway Considerations.
  - Ecology.
  - Planning obligations.

### **Assessment**

#### **Listed Building Consent**

- 2.2 Paragraph 195 of the NPPF requires the local planning authority to assess the significance of a heritage asset and take this into account when determining proposals which affect a heritage asset. Under paragraph 197 a local planning authority is required to take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make and the desirability of new development making a positive contribution to local character and distinctiveness.
- 2.3 Coastguards Cottages is a row of 12 cottages constructed in 1884 as dwellings for coastguards and their families. Sitting in an elevated position, the building would

originally have benefited from a clear view of the sea. Adjacent to the cottages is a single storey dwelling known as the Studio which was formally the boat house. To the rear, sitting against the raised land levels, is a row of single storey brick-built outbuildings which had an ancillary function for the dwellings. The Studio and the outbuildings are curtilage listed buildings.

- 2.4 The principal listed building is constructed with roughcast render, stone dressings to window surrounds and slate roof and retains features such as original rainwater goods with embossed nautical detail and a date stone. The row of cottages are very modestly sized with front access via a modern but sensitively detailed shared porch, and an open archway providing access through the row to the rear. The single storey rear additions, which are proposed to be replaced, are of an inconsistent size and form, however photographic evidence suggests that these are the original access into each of the cottages.
- 2.5 To either end of the row there is a three-storey structure; one original and one a later replacement (the original structure having been damaged during the war and replaced in the early 1990s), both of which are independently accessed. The original three storey structure is separated from the row by a simple timber and rendered archway, sits slightly in front of the built line of the row of cottages and has a semi-circular planform to the seaward side: this creates the appearance of a 'look-out' tower. The form and scale of the structure imparts a somewhat imposing character when glimpsed from Bay Hill, however the quality of design and consistency of materials prevents the structure from becoming an overtly dominant feature. The mid-20<sup>th</sup> Century addition replicates the detail of the original structure which was destroyed.
- 2.6 The original layout of the row of cottages consists of two rooms to each floor, except for the largest of the cottages (unit 7) which extends over the archway at first floor and benefits from a third bedroom. Later adaption in the mid/late 20<sup>th</sup> Century saw one room to first floor to all units within the row being partitioned to form a bathroom. The three-storey tower retains its layout largely intact, although the principal room to the front (unit 1) has been bisected by partition walls to all floors which has affected the original proportions of the spaces. Remaining features include staircases and in some instances timber doors. Further minor internal alterations include part removal of the chimneystack to ground floor to some units.
- 2.7 The boat house was converted to residential use prior to listing and although it does not retain any features demonstrating this former use (although evidence by way of a change in the render indicates the dimensions of the original large opening to the front elevation) it is constructed of the same materials and in the same simple style as the principle listed building. The outbuildings to the rear are simple, functional structures with plank doors. One of the outbuildings is slightly larger and has a chimney and was potentially a boiler room.
- 2.8 The proposal seeks to erect a single and part two storey addition to the rear and to create a more open plan space to the ground floor of the row of cottages through part removal of the original rear wall of the listed building and internal walls. The proposed extension by virtue of siting would have no impact on the principal south elevation or from the principle public view from Bay Hill. The single-storey element would be largely glazed with a glass roof above the kitchen/dining areas and the two-storey curved element would be finished in white render with a mono-pitch metal roof. 'Nibs'

of the original rear wall and internal partition to the ground floor are proposed to be retained which will help to demonstrate the original dimensions of the rooms and allow the original plan form to be understood and appreciated. The entrance into each unit would remain largely as existing except in one, where the existing entrance will be blocked and a new one created. At first floor, the works would include the removal of the modern partition and erection of new to form a corridor to the bathroom which would be provided in the extension. This would include the creation of a new opening in the rear wall of the listed building.

- 2.9 In respect of the tower, the proposal seeks to remove modern internal partition walls, and erect new to create one unit to each floor. An existing window is enlarged and an existing door is replaced with a window. Internally a new staircase is proposed from second to attic floor and a new dormer window erected to facilitate conversion of the attic into a bedroom.
- 2.10 One new dormer and an extension is proposed to the 20<sup>th</sup> Century three-storey addition with the later forming the access into the unit, creating larger units to ground and first floor. Internal works will reconfigure the spaces, however the value 20<sup>th</sup> Century structure is only in the contribution it makes to the overall composition of the listed building. The dormer would sit adjacent to two existing dormers, to the west elevation, and therefore have limited to no visual impact. The initial scheme presented the rear extension as larger, but this has been reduced and is now of the same height as those proposed to the row of cottages. This will form a consistent architectural language to the rear.
- 2.11 The former Boat House is proposed to be extended to the rear with a single storey, green roof addition. To the front elevation, the original opening would be reopened and glazed. The extension would be rendered and have a single opening. It would be set within the raised land levels to the rear and would only be visible when within private space. Internally, the building contains no features of interest and the creation of an opening between it and the proposed new extension would result in the loss of a very minor amount of fabric. Due to the detailed design, scale and use of materials it is considered that the proposed works to the Boat House cause no harm to the significance of the building.
- 2.12 The reconfiguration of the tower to create three flats running front to back (rather than the current layout of three flats sitting top to bottom) will result in minor interventions into the historic fabric for access. The proposed dormer is located to the west elevation and will not be visible from Bay Hill and will have no impact on the character of this part of the listed building.

#### Assessment of Harm

- 2.13 The proposed extensions to the row of cottages will result in the loss of the existing rear single storey structures which are noted to be original to the listed building. The extensions and the removal of the internal wall to the ground floor will have an impact on the historic planform of the listed building, however this has been mitigated as noted above. Other interventions will be fairly minimal but will result in the loss of fabric and/or the minor reorganisation of the internal spaces. The accumulative impact of these works is considered to cause less than substantial harm to the significance of the listed building.



- 2.14 In respect of the works proposed to the two curtilage listed buildings: the previous conversion works to the former boathouse have resulted in the loss of character, which the proposed changes to the front elevation will help to reintroduce. The proposed single storey green roofed extension is considered to be an appropriate approach, having minimal impact on the building. The extent of work to the outbuildings is minimal and will have no impact on their significance. As a consequence, it is considered that the works to the curtilage listed buildings would cause no harm.
- 2.15 Coastguard Cottages has largely been unmodernised and although maintenance has been carried out, the building is tired and in need of updating. However, the works will cause less than substantial harm as noted above. Paragraph 200 of the NPPF states that where *'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'* The cottages within the row in particular are very discrete in respect of the accommodation that they provide, and the proposal seeks to retain their character as much as possible whilst also ensuring their viable future use as dwellings. The proposed extensions are fairly modest in size and their simple design and choice of materials is considered to be sympathetic to the character of the listed building, while internally, care has been taken to ensure that the works help to protect the legibility of the historic floor plan.
- 2.16 The Victorian Society has commented on and objected to the proposed works. The Victorian Society are not a statutory consultee for the Listed Building Consent application as the works do not constitute relevant works as defined by the Arrangement for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021.
- 2.17 The Society are of the opinion that while the principle of an extension is not opposed, the design approach and materials is inappropriate to the character of the listed building and would have a consequential negative impact. The Society also notes that the simple form of the cottages is a key characteristic. In response, it is considered that a more traditional design would likely include a pitched roof which would create greater massing to the proposed extensions. The simple and uncluttered design of the proposed extensions and use of render is considered to be consistent with the established character of the listed building.
- 2.18 Paragraph 202 of the NPPF requires that where less than substantial harm is caused to the significance of a designated heritage asset, that the harm is weighed against the public benefits. It is considered that the proposed works ensure the continued preservation of the listed building and therefore meet the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Consequently, the proposal would provide a wider public benefit through the maintenance and management of the designated heritage assets.

### **Planning Application**

#### **Principle of Development**

- 2.19 The site is located outside but close to the settlement confines of St Margaret's. The proposed extensions and alterations to the existing grade II listed building are

acceptable in principle subject to the impact on the significance of the grade II listed building and character and appearance of the conservation area and rural landscape.

- 2.20 The proposed new building is ancillary to the existing residential use / development on the site and as such would comply with Policy DM1 of the Core Strategy which states that development will not be permitted outside 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.
- 2.21 The proposals are therefore considered to be acceptable in principle subject to other material considerations and relevant policies, most notably the heritage impact and visual impact on the rural landscape and setting of the AONB.

#### Impact of the proposed development on the setting of the Listed Building

- 2.22 The application site falls within the St Margaret's Bay conservation area. The character of the conservation area is defined by buildings within a verdant landscape. The proposed new development is positioned such that it would not interfere with a view of the listed terrace from the public vantage point of Bay Hill.
- 2.23 The original scheme has been amended following a Design Panel Review. The scheme now proposed retains a visual link to the listed building through the choice of materials and through having a strong vertical emphasis. The breaking up of the front elevation of the new development adds a quirky aspect which, in addition to the unsymmetricality of the elevation, is reflective of the character of the listed building. A modern approach to the design of the development is considered to be appropriate over a traditionally detailed unit as it is considered that the latter could have the unacceptable consequence of eroding the intrinsic character of the listed building and compete with it for dominance of the site.
- 2.24 As the site is currently unhindered by any other development there is an element of harm to the significance of the listed building as a result of the proposed new development. However, due to the detailed design and siting of the development it is considered that the harm is less than substantial and at the lower end of the scale. In addition, the 'communal' character of the site is a key contributor to the significance of the listed building and the proposal seeks to retain these as largely undefined, i.e., with no boundary treatments to the rear, and where proposed to the front will be limited.

#### Visual Impact and Impact on the Character of the Conservation Area

- 2.25 Policy DM15 is concerned with the protection of the countryside and only development which would not result in the loss of, or adversely affect the character or appearance of the countryside will be permitted if it meets certain criteria and provided that measures are incorporated to reduce, as far as practicable, any harmful effects or countryside character.
- 2.26 Policy DM16 is concerned with the protection of Landscape Character and only development that would not harm the character of the landscape, as identified through the process of landscape character assessment, will be permitted if it is in accordance with the allocations made in the Development Plan or the development can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.
- 2.27 Paragraph 195 of the NPPF requires the local planning authority to assess the significance of a heritage asset and take this into account when determining proposals which affect a heritage asset. Under paragraph 197 a local planning

authority is required to take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make and the desirability of new development making a positive contribution to local character and distinctiveness.

- 2.28 The introduction of the new building and relocated/enlarged parking court into the rural landscape and conservation area would clearly have some visual impact. The developer has engaged in pre-application discussions with the Council prior to submission and the design of the new building, parking court and landscape scheme has been amended following a review by the Design Panel during the course of the application. The application is also supported by a Landscape Visual Impact Assessment (LVIA).
- 2.29 The LVIA states that the character of the site and its setting is more parkland in character with wooded boundaries and there is an intermingling of a wooded character to the area in general. The LVIA provides several different viewpoints into the site from public vantage points which show the site located towards to the top of the hill with other residential properties located in proximity.
- 2.30 Whilst it is clear there would be close range views and some mid/long range views of the site, it is considered that the proposed new building would constitute a high standard of design that would add to the overall character of the area. Further, the neighbouring properties are individually designed and set within spacious grounds and the design of the proposed building would be responsive to the character of the area and the use of white render would reflect the predominantly white finish of the surrounding residential properties. In addition, the proposed building would appear subordinate to the adjacent Coastguard Cottages and there are neighbouring properties to the southeast of the site and there are residential properties located in the foreground and behind the site further up the hill. Therefore, whilst some mid/long-range views would be afforded of the new building, the design of the proposed building would be responsive to the character of the area, and it is considered that the development would not appear as a prominent or alien feature in the semi-rural landscape. In addition, the existing and proposed landscaping within the site would help to screen and soften the visual impact of the proposal from wider public views and the development, by virtue of the overall design standard and palette of materials, would assimilate into the surrounding residential and verdant landscape.
- 2.31 The relocated parking court would introduce an element of harm to the conservation area and rural landscape by virtue of the changes to the land levels and the visual impact of the parked cars. However, the proposals have been amended to include low walls around the parking court which integrate with new boundary walls along the front of the grade II listed building and new building, to create a continuous landscape feature within the site. In addition, the landscape proposals include substantial native tree and shrub planting around the parking court which would help to screen the parked cars and embed the new parking court into the wider landscaped setting. Given the low-level nature of the parking court and landscaped border and the introduction of a new low-level boundary wall feature within the site, it is considered that the level harm would be less than substantial and would be outweighed by the public benefits of the additional housing and overall high standard of design of the new building.
- 2.32 The extensions to the grade II listed terrace are located at the rear of the building. As noted above it is considered that the extensions would be subservient to the host property, by virtue of the scale, height, and design, and would not have any significant adverse impact on the setting of the AONB and would preserve the character of the conservation area. Some views of the rear extensions would be afforded from Bay

Hill, however the subordinate extensions would be viewed within the context and foreground of the existing building and would not appear prominent or visually harmful by virtue of the scale, design and materials proposed. The proposed dormer windows would be subservient and in keeping with the scale and form of the existing dormer windows and would not appear unduly prominent in the wider area.

- 2.33 Similarly, the single-storey rear extension to the boathouse would form a subordinate addition, by virtue of the scale and design, and whilst some close-range views would be afforded from Bay Hill, the extension would not appear overly prominent or harmful to the rural locality or setting of the AONB and would preserve the character of the conservation area.
- 2.34 Overall, the proposed new building would constitute a high standard of design and it is considered that the building would add to the overall quality of the area in accordance with paragraph 130 of the NPPF. Further, the existing and proposed landscape features would help screen the development and the proposal would sit comfortably within the wider residential and verdant landscape. As such the setting of the AONB would be conserved and the character of the conservation area would be preserved. The proposed parking court would lead to some harm to the rural landscape and character of the conservation area. However, the proposed native landscaping would help to screen the parking area and reduce the visual impact and the new low boundary wall would tie this part of the developed into the site as a whole. On balance, the visual harm from the parking court is considered to be less than substantial and would be outweighed by the public benefits of the additional housing.

#### Impact on Residential Amenity

- 2.35 The rear extensions to the grade II listed building and detached boathouse would be located a sufficient distance from neighbouring residential properties and the proposed new building and would not result in any significant adverse loss of amenity in terms of loss of light, privacy, or outlook. In addition, the proposed rear extensions to the listed building would not result in any loss of amenity to the existing/future occupiers of these properties.
- 2.36 The proposed building would be located adjacent to a private access drive with the vehicle driveways and detached garages/outbuildings adjacent. As a result the proposed building would not appear unacceptable overbearing or dominant when viewed from the neighbouring properties. Further, given the separation distances involved and the orientation of the proposed openings and privacy screens along the terrace and balconies, there would be no significant adverse amenity impact to the properties located to the southwest of the site from overlooking or a loss of privacy. Similarly given the separation distances involved there would be no significant adverse loss of amenity, including a loss of privacy, to the detached properties located to the south and southeast of the site.
- 2.37 The new building would be located adjacent to habitable room windows in the grade II listed building, including bedroom windows and secondary living space/kitchen windows. Given the separation distances involved and nature of the openings within the listed building (bedroom and kitchen windows) the proposed new building would not appear significantly overbearing and would not result in a significant adverse loss of outlook to the residential units in the grade II listed building.
- 2.38 The dormer windows and windows in the flank elevation of the grade II listed building would afford views towards the proposed new building. However, the proposed privacy screens and orientation of the flank windows on the new building would

ensure there would be no loss of privacy either to the new building or towards the residential units in the grade II listed building.

#### Highway Considerations

- 2.39 Car parking for 20 vehicles would be provided on-site in the new parking court. Across the site there would be seven two-bed houses, 10 two-bed flats and one three-bed flat. Based on the guidance in Policy DM13 of the Core Strategy, a 2-bedroom flat in this area would require 1no. parking space and a two-bed house would require 1.5 spaces per unit, while a three-bed house (CM13 doesn't indicate the number of spaces for a three-bed flat) would require 2 spaces. This would equate to 22.5 spaces over the site and the proposals would therefore result in an under provision of 2.5 spaces.
- 2.40 However, the existing site only has 12 spaces for the existing 13 residential units (terrace houses and flats) which is currently an under provision in relation to policy DM13. An additional eight spaces are proposed which would accommodate the proposed new building and would also provide additional parking for the existing/enlarged residential units. Therefore, on balance, the level of parking is considered to be acceptable when balanced against the landscape impact of creating more parking in this sensitive location. It is therefore considered that adequate parking provision would be provided for the existing properties and proposed flats.
- 2.41 There would be no alteration to the existing vehicle entrance into the site from Bay Hill and turning areas within the site would enable vehicles to enter and leave the site in forward gear as they do presently.
- 2.42 The proposed development would result in an increase of five units with a parking demand of 5/6 cars which would not result in a significant increase in vehicle movements within the surrounding road network.
- 2.43 Overall it is considered that sufficient parking provision would be provided and there would be no highways safety objections regarding the continued use of the existing access and the proposals would comply with paragraph 111 of the NPPF which 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.

#### Ecology

- 2.44 The application is supported by an Ecology Assessment and surveys which indicate that calcareous grassland has been recorded which is a habitat of principal importance under the NERC Act. The National Planning Policy Framework (NPPF) (2021) paragraph 179 (d) states "promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.
- 2.45 An area of calcareous grassland would be lost as a result of the new/relocated parking area. However, mitigation measures are proposed to offset the loss of the grassland which includes turf translocation and sowing with appropriate seed mixes and the landscape plan also proposes chalk grassland within the site. The principle of the mitigation measures has been agreed by KCC Ecology and the management of this habitat can be secured by condition.
- 2.46 No bats have been recorded emerging from the buildings therefore roosting bats are considered likely absent. An ecology lighting plan can be secured by condition to

ensure the proposed on-site lighting is not detrimental to foraging or commuting bats.

- 2.47 The submitted reptile survey indicates that common lizards and slow worms are present. The ecology report proposes appropriate mitigation to safeguard the protected reptiles including habitat manipulation and retention and enhancement of existing habitats. KCC Ecology have confirmed these measures are appropriate and have requested final measures / management to ensure on-site habitats are protected and secured in perpetuity, which can be secured by condition.
- 2.48 All other matters can be addressed by suitable conditions for mitigation measures and biodiversity enhancement works, in accordance with the recommendations of the submitted ecological report.

#### Affordable Housing, Planning Obligations, Section 106

- 2.49 *Affordable housing* - Policy DM5 of the Core Strategy allows for commuted sum payments toward affordable housing where the number of dwellings to be provided is between 5 and 14. However, the NPPF post-dates the policy DM5 and states affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. The development proposes five new residential units only and is therefore not a major development and the site is not located in a designated rural area, therefore affordable housing (on-site or an off-site contribution) is not required for these proposals.
- 2.50 *Other contributions* - These were requested from Kent County Council for the following:
- Primary education - **£6,800** – towards the development of the new 2FE Primary School Whitfield Aspen
  - Secondary education – **£4,540** – for the expansion of Dover Christ Church Academy.
  - Community learning – **£82.10** – towards Dover Adult Education.
  - Youth service – **£327.50** – towards Dover Youth Service.
  - Libraries – **£277.25** – towards the service and stock at St Margaret's-at-Cliffe library and the mobile library attending River.
  - Social care – **£734.40** – towards specialist care accommodation in Dover.
  - Waste – **£272.35** – towards improvements at Dover Household Waste Recycling Centre.

- 2.51 In total, planning obligation requests of **£13,0033.60** have been made to, and agreed by, the applicant. In respect of planning obligations, the application is considered to be acceptable.

#### Habitat Regulations

- 2.52 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.

- 2.53 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.
- 2.54 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.
- 2.55 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.
- 2.56 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.
- 2.57 Having had regard to the proposed mitigation measures, were the application to be considered acceptable, 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.

#### Other Matters

- 2.58 The application is supported by a Surface Water Management Strategy which indicates that the proposed development would increase the total impermeable area across the site which would result in an increase in surface water run-off discharged from the site. The impact from the additional surface water run-off would be managed via infiltration into the underlying geology through the introduction of two new SuDS systems. Surface water from the access road would be collected and stored in a granular sub-base until it is able to infiltrate into the underlying geology. Surface water from the buildings and car park area would be drained to a cellular storage crate soakaway, where it will be stored until it is able to infiltrate into the underlying geology. The principles of the SuDS system are acceptable and further details including a detailed design could be secured by condition to ensure there would be no increase in surface water run-off from the site.
- 2.59 There is a public foul sewer crossing the development site and a formal application would need to be made to Southern Water to connect to the existing foul sewer which would be addressed under building regulations.

### **3. Conclusion**

- 3.1 The proposed new building is ancillary to the existing residential use / development on the site and as such would comply with Policy DM1 of the Core Strategy.
- 3.2 Following negotiations with the Council at pre-application stage and a Design Panel review during the course of the application the proposed new building would constitute a high standard of design and it is considered that the building would add to the overall quality of the area in accordance with paragraph 130 of the NPPF. Further, the existing and proposed landscape features would assimilate the building within the verdant landscape setting. As such it is considered that the proposed building would be responsive to the context of the site and surrounding area and the proposal would sit comfortably within the wider residential and rural/wooded landscape and would conserve the setting of the AONB and preserve the character of the conservation area.
- 3.3 The proposed parking court would lead to some landscape / conservation area harm by virtue of the land level changes and parked vehicles. However, the proposed native landscaping would help to screen the parking area and reduce the visual impact and the new low-level boundary wall would tie this part of the developed into the site as a whole. The visual harm from the parking court is considered to be less than substantial and on balance would be outweighed by the public benefits of the additional housing.
- 3.4 The proposed extensions to the listed building are fairly modest and their simple design and choice of materials is considered to be sympathetic to the character of the listed building, while internally, care has been taken to ensure that the works help to protect the legibility of the historic floor plan. However, the proposals would result in the removal of original structures and would impact the historic plan form of the listed building. As noted above the accumulative impact of these works is considered to cause less than substantial harm to the significance of the listed building, which is weighed against the public benefits, and it is considered that the proposed works would ensure the continued preservation of the listed building and would provide a wider public benefit through the maintenance and management of the designated heritage assets.
- 3.5 In terms of the proposed new building there is considered to be an element of harm to the significance of the listed building as the site is currently unhindered by any other development in this location. However, due to the detailed design and siting of the development it is considered that the harm is less than substantial and at the lower end of the scale and on balance would be outweighed by the public benefits of the additional housing proposed within the borough.
- 3.6 No highways safety objections are raised regarding the continued use of the established vehicle access and the additional units would not generate a significant increase in vehicle trips within the area. In addition, the proposed parking provision is considered to be acceptable for this located and has been carefully balanced to reduce the visual impact on the rural locality.
- 3.7 No neighbour amenity, drainage or ecology objections area raised subject to conditions set below.

**g) Recommendations**

**DOV/21/00317**

- I. Planning permission be GRANTED, subject to a legal agreement and to conditions including the following:



- 1) Time Limit
- 2) Approved plans
- 3) Materials to be submitted
- 4) Landscaping hard and soft, including tree planting and means of enclosure
- 5) Tree protection
- 6) Ecological mitigation, enhancement, and management.
- 7) Bat/ecology lighting
- 8) Land levels and sections
- 9) Car parking shown on approved plans to be provided prior to first use
- 10) Electric car charging points
- 11) Cycle parking
- 12) Refuse storage
- 13) Contamination
- 14) Construction management plan (noise and vibration control)
- 15) Surface water drainage details
- 16) Privacy screens to be retained in perpetuity

- II. That powers be delegated to the Head of Planning, Regeneration and Development to settle the detail of the section 106 agreement and any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

**DOV/21/00318**

- III. Listed Building Consent be GRANTED, subject to conditions including the following:

- 1) Time Limit
- 2) Approved plans
- 3) Materials to be submitted
- 4) Details: Joinery, mechanical ventilation, section of eaves, section to show new openings proposed through historic fabric, sections to show upgrading of walls/roof for weatherproofing or any other purpose.

- IV. That powers 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 Officers**

Andrew Jolly and Alison Cummings