

a) **DOV/21/01736 – Erection of a detached dwelling - Land at West View, Chapel Hill, Eythorne**

Reason for report: Number of contrary views.

b) **Summary of Recommendation**

Planning permission be Granted.

c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

- CP1 – Eythorne is a village suitable for a scale of development that would reinforce its role as a provider of services to its home and adjacent communities
- DM1 - Development will not be permitted on land outside the urban boundaries and rural settlement confines unless 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 2019 (NPPF)

- Section 5 is relevant as it seeks the delivery of a sufficient supply of homes, including the size, type and tenure of housing need for different groups in the community.
- Section 9 promotes sustainable transport. Paragraph 110 of Section 9 seeks to achieve a safe and suitable means of access for all users.
- Section 12 is relevant as the proposal should seek to achieve well-designed places ensuring that development will function well and add to the overall quality of an area, be sympathetic to local character and history and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The Kent Design Guide (KDG)

The Guide provides criteria and advice on providing well designed development that takes into account context.

National Design Guide 2019

This Guide provides detail and advice on how to achieve well-designed places as required by the NPPF. In this case, relevant to the determination of the application is the need to ensure that communities have a mix of home tenures and that communities are socially inclusive.

Regulation 18 Consultation on the Draft Local Plan 2021

The Draft Local Plan has undergone its first public consultation exercise, which expired in March 2021. At this stage only minimum weight can be afforded to the policies of the Plan.

d) **Relevant Planning History**

21/00913 – Withdrawn, erection of a detached dwelling with associated parking.

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

Eythorne Parish Council: Objections are raised over levels of parking, unsafe access and lack of visibility splays.

Kent Highways: Initially an objection was received as it appeared that visibility splays could not be achieved. However, following a further consultation, Kent Highways responded by stating: “It is acknowledged that there is an existing access serving at least 2 parking spaces and therefore the replacement with 2 spaces for the proposed dwelling will not increase the use of this access. I therefore would not now recommend refusal on this aspect of the proposals.”

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

Public Representations: There have been 22 other responses received from the public consultation exercise, 8 support the application and 14 oppose it. The objections raised can be summarised as follows:

- There is existing congestion and parking on the highway which will be exacerbated by the development
- The proposed access, volume and speed of traffic along the highway and the site’s lack of visibility sightlines would prejudice highway and pedestrian safety
- There is no footpath serving the site
- The loss of parking spaces would mean that No.18 Sandwich Road would lose its on-site parking spaces
- There would be disruption and inconvenience during building works
- The proposal amounts to cramped overdevelopment and visual harm
- The proposal would lead to overlooking and loss of privacy
- The proposal would impact light and sunlight into the adjacent property

Those that support the application consider the proposal to be well designed, the plot size is considered acceptable, the site is in a good location for a new house and avoids greenfield development, the parking proposed would replace two existing parking spaces and there would be no harm to highway safety.

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

1.1 The application site falls within Eythorne village confines. It occupies part of the rear garden and parking area of No 18 Sandwich Road, which fronts onto Chapel Hill. The land is open and hardsurfaced with concrete, with an existing access onto Chapel Hill.

1.2 Chapel Hill comprises mostly Victorian, two storey semi-detached cottages on its western side, leading from the roundabout at the top of the hill. Opposite these, on the same side as the application site, there are mainly rear gardens and boundary enclosures fronting onto Chapel Hill.

1.3 The street scene changes on approaching the application site with a detached garage building with commercial space above on the south side of the application site, and a single storey, detached dwelling with accommodation in

the roof on the northern side of the application site. This section of the street scene has a more sporadic development pattern, where buildings have been erected in a more un-planned, ad hoc way, in the former rear gardens of Sandwich Road properties, to form a more loose knit and varied form of development.

- 1.4 The adjacent detached garage building has a rectangular form with a half hipped pitched roof at the front. It is finished in yellow facing bricks under an artificial slate roof. It has a hardsurfaced threshold between the building and highway where parking can take place. The property to the north of the site, is a detached dwelling. It has a rectangular form, with a pitched roof, and an area for parking to the front, and a garden and conservatory extension to the rear. Accommodation is provided in the roof of this building, facilitated by roof lights.
- 1.5 The proposal is for a detached dwelling with two parking spaces and a rear garden. The dwelling would have a rectangular form, with a pitched roof - with a gabled end roof design to the front and rear of the building. The ground floor would accommodate the living areas and the upper floor, within the roof space, would accommodate two bedrooms, with an ensuite bathroom located between them. The building is intended to be finished in buff coloured brickwork, with cedar cladding on the upper floors, under an artificial slate roof. Brick and artificial slate would reflect the materials on the building on the southern side of the site, whilst cedar cladding would reflect the timber cladding used on the building to the north.
- 1.6 The location of the building on the plot is staggered between the front elevations of the buildings either side. The rear elevation will project beyond the main rear elevations of the buildings on either side, although it will not project beyond the conservatory extension to the dwelling to the north (Praslin).
- 1.7 The proposed garden area is narrow and rectangular but will provide private amenity space for the occupiers of the proposal.

## 2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact upon the character and appearance of the area
- The impact upon residential amenity
- The impact upon highway safety

### Principle of Development

2.2 The application site falls within the village confines of Eythorne. As such, under Policies CP1 and DM1, the erection of a dwelling within the settlement boundary is acceptable in principle.

2.3 In March 2017 DDC Cabinet agreed to commence the review of the Core Strategy (CS) and Land Allocation Action Plan (LALP) through the preparation of a single local plan. The decision to review the CS and LALP is an acknowledgement that in some cases the evidence base is out of date. It is also recognised that some of the detailed policies applicable to the assessment of this particular application (including Policies CP1 and DM1) are to various degrees, now considered inconsistent with aspects of the NPPF and as such

are out-of-date. That does not mean however that these policies automatically have no or limited weight. They remain part of the Development Plan and must therefore be the starting point for the determination of the application. Furthermore, whilst the overall objective of a policy might be held out-of-date, greater weight can nevertheless still be applied to it depending on the nature/location of the proposal in question and the degree to which the policy (in that limited context) adheres to and is consistent with the policy approach in the NPPF.

- 2.4 With regard to this particular application, the focus of the NPPF is to locate new housing development within suitably sustainable locations. Supporting the principle of new housing within the village confines would be consistent with Paragraph 79 of the NPPF, which seeks to locate housing where it will enhance or maintain the vitality of rural communities and to avoid the development of isolated homes in the countryside.
- 2.5 As such, the principle of allowing housing development in this location is compatible with the objectives of the Development Plan and the requirements of the NPPF.

#### Impact Upon Character and Appearance

- 2.6 The proposed development has a simple rectangular form, which will be compatible with the form of the buildings on either side of the application site. The roof design having a gabled roof in the front and rear elevations of the building and its height would also be compatible with those buildings either side. The proposed use of materials would reflect the finishes on the adjacent buildings.
- 2.7 In comparison with those properties adjacent, the width of the plot appears narrower and consequently the width of the house would be narrower than those buildings either side. At present, the buildings on either side have a more spacious visual setting, with space between and around them. The proposal would reduce their spatial setting and would have the appearance of being 'squeezed in'. Views of the proposed building from the highway would be limited to the front of the building, as views from the highway further afield, from the north and south, would in part be screened by the existing adjacent buildings.
- 2.8 The building is well designed and mostly compatible with the design and appearance of the buildings on either side. It would become part of a varied street scene where, along this section, the buildings do not follow any particular visual uniformity in form, design or appearance.
- 2.9 On balance, the proposal would not appear intrusive or otherwise unduly harm to the prevailing visual quality of the street scene or the character and appearance of the area, to the extent of warranting a refusal of planning permission, in this case.
- 2.10 As such, it is considered that the design of the new house and its impact upon the immediate area would meet the requirements for good design as set on in the NPPF.

#### Residential Amenity

- 2.11 The proposed house is designed to have its principal windows in its front and rear elevations. The windows in the front elevation would face the highway and those properties opposite in The Crescent. To the rear, there appears to be suitable separation between the window in the rear elevation of the proposed building and those windows in the rear elevations of properties that front Sandwich Road, to avoid causing undue levels of harm from overlooking and loss of privacy.
- 2.12 The gardens to the rear of the application site rise up to the properties in Sandwich Road. This change in topography would have the effect of the application building being constructed at a lower level than those properties. This will mean that the building would not appear as imposing or otherwise overbearing when seen from the Sandwich Road properties.
- 2.13 The key impact is how the proposal would affect Praslin – the dwelling to the north of the site. There are three rooflights in the south facing roof slope of that building and a window to the side which appears obscure glazed.
- 2.14 The proposed building is orientated to the south of Praslin which means that the proposed building is likely to give rise to some loss of light and sunlight to the windows on the south side of the building and conservatory extension. However, the design of the proposed dwelling has the highest part of the pitched roof in the centre of the building (due to the apex roof design), which means that its impact would not be so adverse to give rise to significant harm from the loss of light and sunlight to that property.
- 2.15 No windows are proposed in the north facing roof slope of the proposed dwelling, so that there would be no loss of privacy from overlooking towards the rooflights and conservatory windows from the application building.
- 2.16 In conclusion, it is considered that overall, the living conditions of the occupiers of nearby dwellings would not be unduly harmed by the proposal.
- 2.17 The proposed dwelling would, whilst being relatively small, provide a reasonable standard of accommodation. The internal floor space would amount to around 91sqm, whilst the usability of the space has been assisted through the open plan layout. Rooms would be naturally lit and ventilated. There is adequate space for the provision of cycle and refuse, although full details will be required by condition.

#### Highway Impact

- 2.18 The proposed development will accommodate two parking spaces on the site, which is in a location central to the village. This provision of on-site parking is considered to be acceptable, according with the requirements of policy DM13.
- 2.19 The proposal uses an existing access and area for two parking spaces. KCC Highways now advise that as the level of parking spaces remains unchanged between the parking for the Sandwich Road property and the parking for the proposed dwelling that this would not amount to a material increase in impacts on highway safety.
- 2.20 The NPPF advises that “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. As it

has been concluded and officers have been advised that the development would not harm highway safety, it is considered that the proposal is acceptable, subject to suitably worded conditions to secure car parking, EV charging and cycle parking.

### Other Matters

- 2.21 The site is located within the area where the development is likely to have a significant effect on the Thanet Coast and Sandwich Bay Special Protection Area (SPA). Applying a pre-cautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within the district, to have an adverse effect on the integrity of the protected SPA and Ramsar sites. Following consultation with Natural England, the identified pathway for such an adverse effect is an increase in recreational activity which causes disturbance, pre-dominantly by dog-walking, to the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.22 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. For proposed housing developments in excess of 14 dwellings the SPA requires the applicant to contribute to the Strategy in accordance with a published schedule. This mitigation comprises several elements, including monitoring and wardening.
- 2.23 Having regard to the proposed mitigation measures and the level of contribution currently acquired from larger developments, it is considered that the proposal would not have an adverse effect on the integrity of the SPA and Ramsar sites. The mitigation measures will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

### 3. Conclusion

- 3.1 By virtue of the relevant Development Plan policies not being up-to-date, it is considered that the 'tilted balance' (Paragraph 11, NPPF) must be applied. Relevant to the circumstances of this application, this indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies of the NPPF as a whole.
- 3.2 There is a need for new housing development that is in a sustainable location, with reasonable access to public facilities and amenities. The application site is located within the village confines within reasonable walking and cycling distances of the village's facilities and amenities. Its location would meet the requirements of the Development Plan and is supported by the NPPF.
- 3.3 With regard to the objective of achieving good design, it is considered on balance, that the proposed development would not have an unduly adverse impact on either the character and appearance of the area or the living conditions of the occupiers of adjacent properties, to the extent that this would warrant a refusal of planning permission.

g)

**Recommendation**

- I PERMISSION BE GRANTED subject to the following conditions:
  - i) Standard 3 three period for implementation
  - ii) Subject to the Drawings that have been submitted.
  - iii) Details for the disposal of foul and surface water to be submitted for approval.
  - iv) Details of the finished site levels and threshold levels of the building to be submitted for approval
  - v) The provision and retention of car parking spaces (of a minimum length of 4.8m), including the provision of an electric charging point, access to the site and secure cycle.
  - vi) Removal of 'permitted development' rights to install windows within the north facing roof slope
  - vii) Removal of 'permitted development' rights to extend the building.
  - viii) Provision of landscaping details including retaining structures and boundary enclosures and a timetable for their implementation to be submitted for approval.
  - ix) Details of refuse storage
  
- II Powers be delegated to the Planning and Development Manager to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee.

Case Officer:

Vic Hester