

- a) **DOV/21/01935 – Erection of first-floor front roof extension; two-storey and first-floor rear extensions with roof terrace and balcony; new front porch and double garage, extension of existing driveway and creation of parking (existing side, rear and front porch extensions to be demolished) - Chapel Farm, Chapel Lane, Ashley**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning Permission be Granted

- c) **Planning Policy and Guidance**

Planning and Compulsory Purchase Act 2004

Section 38(6) – requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

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.

Core Strategy Policies

CP1, DM1, DM13, DM15, DM16

National Planning Policy Framework (NPPF) (2021)

The most relevant paragraphs of the NPPF are: 8, 11, 110, 112, 119, 129, 130, 174

The National Design Guide and Kent Design Guide (KDG)

- d) **Relevant Planning History**

No relevant applications identified.

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

Sutton by Dover PC – supports the site being developed.

There are a number of concerns from neighbouring residents about the application and the size of the property but serious concerns about the size of the proposed property and is worried that it will dwarf the adjacent homes. The proposed property does not seem suitable as a village house and is not in keeping with the area and is outside the village confines.

KCC Archaeology – The site lies within an area of archaeological potential. I consider it unlikely, however, that the proposed works will have a significant below-ground archaeological impact and have no further comments.

KCC Highways – Initially requested additional information relating to the (then proposed) new vehicular access and visibility splays. Following amendment of the application to delete the new access, the following comments have been received:

- The applicant will need to submit plans which demonstrate that visibility splays of 2.4m x 43m can be achieved in both directions when pulling out onto Chapel Lane in

a forward gear. This is based on the 30mph speed limit at this location. This is required to be drawn to the nearside carriageway edge. In addition, the splays must only cross land owned by the applicant or KCC as the highway authority. There should be no obstruction over 1.05m within the length of the splay. I note this will necessitate the cutting back/down of existing vegetation at the property.

- The applicant will need to submit details regarding the allocated off street parking arrangements. There is a double garage detailed on the drawings but it is still not clear if this is to be used for the parking of 2 vehicles.
- Details of the bound material to be used and provision of measures to prevent the discharge of surface water onto the highway will need to be submitted

Also requests Informatives relating to any works that may take place in the highway.

Third-party representations:

12 objections received, raising the following issues:

- The resulting building will be much larger than the existing house, closer to the neighbours, and not in keeping with the village setting
- It will tower over the existing houses and dwarf them
- Loss of daylight and sunlight; neighbouring properties have a "Right to Light"
- Loss of privacy; windows will look straight into those of neighbours; balconies at the rear are intrusive and will enable views into neighbours' gardens
- Site is outside village confines
- The accuracy of the drawings is questioned, including the red line site boundary
- Out of keeping with neighbouring properties, most of which are bungalows
- Increase in traffic
- The farm property is being sub-divided; how will this affect the remaining land?
- No objection to the principle of development, but the height proposed is excessive

f) 1. The Site and the Proposal

1.1 The application relates to a detached dwellinghouse located on the south-eastern side of Chapel Lane, within the hamlet of Ashley, which is outside any designated settlement boundary and therefore within the countryside for the purposes of applying planning policy. The property as existing, is of a brick construction finished with render and has a steeply pitched roof form with concrete tiles and tile hanging to the side gable ends. Although from the front it has the appearance of being single-storey, there is a large first floor dormer at the rear; the house appears to have been extended in a somewhat haphazard way in the past, with a number of single-storey rear extensions. The existing fenestration is painted timber. To the rear is a conservatory and terrace integrated into the L-shaped layout of the main dwelling. A private garden is set to the rear of the dwelling. Other land, outside the application site but shown to be in the applicant's ownership (in blue), extends to the north-east of the plot and to the rear of the neighbouring dwellings on the south-eastern side of Chapel Lane. There is an existing vehicular access on the northern side of the site, leading to the rear of the dwelling. There are other residential

properties on this side of the road to the north-east of the application site and on the opposite side of the road to the south-west; the individual dwellings within this hamlet are each of a distinct character, being single or two storey, with a mix of forms and material finishes. Open countryside lies to the east of the site and, further north, on the opposite side of the road.

- 1.2 The application under consideration seeks permission for a comprehensive remodelling and expansion of the dwelling, incorporating:
- The proposed erection of a front first floor roof extension, hosting three front dormers, featuring slate and clay tiling and timber weatherboarding;
 - The proposed erection of two storey and first floor rear extensions incorporating a roof terrace and balcony, four dormers, and black powder-coated balustrading;
 - The proposed erection of a replacement front porch, oak framed with slate pitched roof;
 - The proposed erection of a pitched roofed double garage;
- 1.3 The resultant form would be a two-storey dwelling, featuring a half-hipped main roof form, with in effect two rear two-storey extensions horseshoeing around a central roof terrace. The double garage would be to the south-west of the dwelling, set back slightly behind the main front elevation and connected to the dwelling by a glazed link. It would have a tall, pitched roof with small hips to the front and rear. The general finishes would be white smooth render to ground floor elevations, timber weatherboarding to first floor elevations, natural slate roof tiles and grey clay ridge and hipped tiles, and black aluminium windows and doors and rooflights.
- 1.4 The application as originally submitted proposed the creation of a new vehicular access on the southern side of the site to serve the proposed garage. Following receipt of comments from the KCC Highways, the application has been amended by the deletion of the proposed new access; instead, it is proposed to make use of the existing access within the northern boundary and to construct a driveway across the rear of the house to serve the garage, which will be entered from the rear.
- 1.5 The application has also been amended to adjust the “red line” application site boundary (in response to neighbour comments) and to provide additional information regarding the intentions for the adjoining land in the applicant’s ownership.

2. Main Issues

- 2.1 The main issues are:
- The principle of the proposed development;
 - Impact on residential amenity;
 - Design and visual impact on the street scene and wider countryside;
 - Highways, access and parking;

Assessment

Principle

- 2.2 The application site is located outside any settlement confines and therefore within the countryside for planning purposes. However, the proposed works relate to an existing dwelling and its residential curtilage. As an extension and remodelling of

an existing lawful dwellinghouse, the proposal is acceptable in principle under the terms of policy DM1, subject to the material planning considerations set out below.

Residential Amenity

- 2.3 The principal issues to consider in terms of amenity are the potential loss of privacy/overlooking, loss of daylight and sunlight, loss of outlook, and whether there would be any overbearing effect. The main policy reference points are NPPF paragraphs 119, 129 and 130, which talk about promoting health and well-being and promoting a high standard of amenity for existing and future users.
- 2.4 The land to the south-west of the application site is on slightly higher land and currently appears to be undeveloped and not in residential use; there is also a dense screen of vegetation on this boundary. The land immediately opposite appears to be a farmyard. The residential property likely to be most directly affected by this proposal is therefore Blue Cedars, a two-storey dwelling to the north-east. The front elevation of Blue Cedars is located slightly further back from the road than the front elevation of the application property; there are ground floor windows and a first-floor dormer facing towards the application site, the dormer being broadly level with the rear elevation of the dwelling on the application site.
- 2.5 The proposed development would increase the scale and built form of the application property to the south west of this neighbouring dwelling, and extend the depth of the dwelling to just beyond the rear elevation of the existing rear projections to the south west. However, the proposed enlarged dwelling would retain the line of the existing north east flank elevation and would not extend beyond the rear elevation of the adjacent neighbour Blue Cedars, with a sufficient separation distance retained to this adjacent neighbour, which would prevent significant harm with regards to an overbearing impact or loss of natural light or outlook. The development would introduce a side facing window at first floor level to the north east elevation, serving a bedroom, which would look out over the area to the front of Blue Cedars, which is already open to public views. It would be sited forward of the side dormer on the neighbouring property and, given this relationship, it is considered that no significant harmful loss of perceived or actual mutual privacy, or harmful overlooking, would result from this element. The proposed two storey rear extension includes 2No. ground floor windows and 2No. rooflights to the north east elevation. These windows, by virtue of their ground floor location and provision of side boundary treatment are not considered to result in harmful overlooking, and the cill height of the rooflights will be located above the first floor eaves level, within the roofslope and will therefore not result in harmful overlooking to the adjacent neighbour.
- 2.6 The proposed rear balcony is toward the southern end of the rear elevation and some 18m from the common boundary. Given this distance and the fact that it is marginally set back from the line of the rear elevation of the neighbour, although there would be some oblique views to parts of the rear garden, this is likely to have only a marginal impact in terms of loss of privacy, especially to the “most private” part of the rear garden, generally accepted as being that closest to the rear of a dwelling. Similarly, any views from the rear roof terrace would be shielded by the proposed first floor extension on the north-eastern side of the application property.
- 2.7 That analysis would also applies to any impact on the other properties further to the north-east. For these reasons, it is considered that the proposed development would not result in any significantly harmful impact with regards to neighbouring residential amenity, in terms of loss of natural light, loss of perceived or actual privacy, overlooking, disturbance, outlook, or any sense of overbearing impact,

relative to the existing situation. The proposal therefore accords with the relevant policies of the NPPF.

Design and Visual Impact

- 2.8 National policy on design matters is set out in paragraphs 130 – 134 of the NPPF. Developments should aim to function well and add to the overall quality of the area, be visually attractive, be sympathetic to local character and the surrounding built environment (while not preventing or discouraging innovation or change, such as increased densities), and create attractive, welcoming and distinctive places.
- 2.9 Overall and on balance, the development is considered to be of an acceptable design which would not significantly detract from the visual amenities of the site or wider area. The existing dwellings in this part of Ashley are diverse in form and character, with no consistent theme. The increase to the built footprint is relatively small, notwithstanding the increased massing, and is considered to be proportionate to the scale of the host dwelling, the plot, and the character of the immediate area. The resultant two storey form is considered to be acceptable and would not unduly deviate from the scale of dwellings within the immediate area. The proposed half-hipped main roof references other examples within the broader street scene and would be appropriately detailed and finished; the ridge of the roofs forming the rear extensions are set lower than the main ridge, and the use of half-dormers (where only the top part projects from the roof) helps to break up the overall massing. The fenestration and doors to every elevation would be balanced and well aligned with features at first floor/roof level and overall are considered to be appropriately sited, proportioned and detailed. The black aluminum finishes to windows, doors, rooflights, and black balustrading and rainwater goods should ensure visual congruence that would not detract unduly from the rural character of the hamlet. The proposed replacement porch would be of an appropriate form and finish. With regards to the rear roof terrace and balcony, these are considered to be acceptable and there would be limited public views to these elements.
- 2.10 Finally, with regards to the design of the proposed double garage and the associated glazed link, this would appear congruent with and sufficiently subservient to the main dwelling as re-modelled. These are appropriately sited in relation to the front building line and site boundaries and are considered to be acceptable.
- 2.11 Consequently, it is considered that on balance no significant harm to visual amenity would result from the proposed development, with regards to the appearance of the application site in context and the character of the wider area, in accordance with paragraph 130 of the NPPF.

Highways, Access and Parking

- 2.12 The main policies are Core Strategy DM13 and NPPF paragraphs 110 – 112. DM13 advocates a design-led approach to car parking, based on the characteristics of the site, the locality, the nature of the proposed development and its design objectives.
- 2.13 The proposed re-modelling would result in a four bedroom dwelling, and the Table accompanying DM13 (based on IGN3) seeks dwellings of this size within rural locations to have at least two independently accessible car parking spaces. The amended application makes use of the exiting access from the highway and the extended driveway is more than adequate to accommodate the required parking. KCC Highways has requested details of visibility splays, however this appears to

be a repetition of the initial request, based on the application prior to amendment; as no new vehicular access is now proposed, and the existing access (although currently unsurfaced) is well-established and long-standing. It would not be reasonable to require this level of detail and enhance existing visibility splays for this current application. In any event, the access does appear to benefit from appropriate visibility, with the neighbouring property to the north-east having a layby and parking space parallel to the road. The boundary of the application site has been amended to omit a small area adjacent to the highway on this north-eastern boundary as it appears it might not be within the applicant's ownership, but this does not materially affect assessment of the proposed development or on this occasion generates a clear need for re-consultation. A condition can be imposed to safeguard visibility across the frontage of the application site. Similarly, a condition is appropriate to require details of the surfacing of the access, which is currently largely unbound. The works fully comply with NPPF guidance.

Other Issues

- 2.14 In response to a request for clarification regarding the implications of this proposed development for the adjoining land in the applicant's ownership, the applicant has advised that the existing farm buildings are in poor condition, but plans to repair them as existing, and the land which is also overgrown is slowly being reclaimed to pasture for animals. This has been the use for this area (as a smallholding) over the previous owner's tenure since the mid-1960s. He goes on to say that access to the rear area has always been from the Chapel Farm driveway and this is expected to continue unchanged.
- 2.15 This confirms that the existing historic relationship between the two pieces of land is likely to continue. The use of the existing access to serve the agricultural land appears to be well-established and a continuation of this situation should not bring any additional impacts for the neighbours. If any additional development were to be proposed for the agricultural land, the need for any further planning permission would need to be considered at that time in the usual way, but this does not affect the determination of this current application.

3. Conclusion and Sustainability

- 3.1 It is considered that the proposal would have an acceptable appearance in relation to the host property and the visual amenity of the street scene. It would be unlikely to result in any significant harm to existing residential amenities. The proposal is considered acceptable in terms of parking provision. It is therefore considered that the proposal would comply with paragraphs 130 of the NPPF and policies DM1 and DM13 of the Core Strategy and is recommended for approval.
- 3.2 The NPPF identifies three interrelated objectives that underpin the achievement of sustainable development: economic, social and environmental. As there are no identified adverse effects of granting planning permission that would significantly and demonstrably outweigh the benefits, planning permission should be granted in accordance with NPPF paragraph 11.

g) Recommendation

GRANT PLANNING PERMISSION subject to conditions to cover the following matters:

1. Standard commencement condition
2. List of approved plans

3. Submission of samples of external materials
 4. Provision of parking space
 5. Maintenance and retention of visibility
 6. Submission of details of surfacing of access and measures to prevent water draining onto the highway
- i. Powers to be delegated to the Head of Planning and Development to resolve any necessary planning conditions in line with the issues set out in the report and as resolved by the Planning Committee.

Case Officer

Jenny Suttle