

- a) **DOV/21/01903 – Erection of detached dwelling, driveway with associated parking, alterations to existing driveway and blocking up of windows to side elevation of number 21 and erection of 1.8m high fencing (existing garage and shed to be demolished)**

**Site Rear Of 19 And 21 Bewsbury Crescent, Whitfield**

Reason for report – Number of contrary views (19 + Whitfield Parish Council)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010)

CP1 – Settlement Hierarchy

DM1 – Settlement Boundaries

DM11 – Location of Development and Managing Travel Demand

DM13 – Parking Provision

National Planning Policy Framework (NPPF) (2021)

Paragraphs 2, 7, 8, 11, 110-112, 124, 130, 167, 174, 180

National Planning Practice Guidance

National Design Guide (2021)

National Model Design Code (2021)

Kent Design Guide (2005)

The guide provides criteria and advice on providing well designed development, emphasising that context should form part of the decision making around design.

SPG4 Kent Vehicle Parking Standards

Draft 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.

- d) **Relevant Planning History**

Various applications including:

DOV/14/00388 – Erection of three detached dwelling, creation of parking and provision of replacement parking and new vehicular access for no. 21 (existing garage at no.21 to be demolished) – Refused – Appeal Dismissed

DOV/14/00726 – Outline application for the erection of two detached single storey

dwellings, creation of parking and provision of replacement parking and new vehicular access for no.21, (existing garage to no.21 to be demolished) – Refused – Appeal Dismissed

DOV/15/01065 – Erection of two single storey bungalows – Refused – Appeal Dismissed

DOV/16/00909 – Erection of two single storey bungalows, construction of a vehicular access and parking – Refused – Appeal Dismissed

DOV/21/00664 – Erection of detached dwelling, driveway with associated parking. Creation of 2no. parking bay and blocking up of existing windows to side elevation of number 21 (existing garage and shed to be demolished) (trees and hedges to be removed) - Refused

e) **Consultee and Third Party Responses**

Representations can be found in full in the online planning file. A summary has been provided below:

Whitfield Parish Council – continue to object to this application. This is a back garden development to which WPC are strongly opposed. The proposed access will affect the neighbouring property and cause additional traffic problems in the crescent

KCC Public Rights of Way and Access Service – have no comments to make.

Environmental Health – Environmental Protection would have no significant comments as long as the site is constructed as per the drawings supplied. They may wish to provide details of the fencing but this could be done at consultation stage. We would want to ensure that the fencing was reputable and of complete design. We would also want to ensure that the fencing (especially around the driveway access) was maintained for the life of the development.

KCC Highways and Transportation –it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration. (An informative is suggested)

Southern Water – requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. (To be included as an informative should permission be granted)

Kent Fire and Rescue Service - It appears from the proposed block drawing number 1623/02 that the driveway to the proposed development is narrow and would not give the required access for a fire appliance. In the event of an emergency, there

would be an extended hose laying distance from a suitably parked fire appliance on Bewsbury Crescent to the furthest point of the development. Applicants should be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010, to be established. Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service. (To be included as an informative should permission be granted)

#### Public Representations:

19 members of the public have written in objection to the proposals (as of 9<sup>th</sup> June 2022) and 20 members of the public have written in support. The representations are available to view in full on the online planning file and material considerations are summarised below. Matters such as low of view, impact on an individuals' property value, applicants' personal circumstances are non-material considerations and are not included below.

#### Objection

- Number of applications submitted at site and previous appeals – duplication of previous (little different to 21/00664). Reference made to reason for refusal for 14/00726 (overintensive form of development disrupting linear pattern of development) and previous refusals and appeals at the site
- Character/appearance – back garden development. Concerns regarding space for proposed boundary fence and hedgerow either side. Parking to front of No. 21 would be visually jarring and not in keeping with design along the Crescent. Proposed fencing is industrial grade, imposing and not in keeping with visual amenity of surrounding homes, high, would kill hedge as no light. Crowding and overbearing impact on surrounding properties. Would be very close to rear boundary. Current openness of area, with numerous trees and bushes will be replaced by over intensive concentration of buildings.
- Residential amenity - impact on enjoyment of neighbouring residents and their gardens. Loss of privacy. Would overlook neighbouring gardens and caravan rear of No. 17 (looking into bedroom) and rear windows of Castle Drive.
- Noise & disturbance – Concerns regarding building noise and traffic from development in area (impact on residential amenity to neighbouring bedrooms, patio and garden) and car noise from development. Discrepancies within application. Noise levels in report are predicted and concerns regarding location of monitoring device (on opposite side of no. 21 to proposed access drive), monitoring times and results. Suggest access relocated between Nos. 19 and 21
- Emergency services – concerns regarding adequate access for fire emergency services to houses rear of houses.

- Traffic/parking/access – concerns regarding increased traffic volumes using Singledge Lane and road safety. Concerns regarding residents of Bewsbury Crescent parking on the road rather than driveways. Concerns that narrower access proposed than previous refused applications (access is 3m wide, not 4m as stated by supporter) and maintenance required for sufficient access
- Impact on wildlife/open space – building on rear gardens will reduce habitats for local wildlife within village. Another two gardens lost to construction.
- Loss and damage of trees – will result in saplings replacing them
- Concerns regarding damage/damp to neighbouring property as a result of proposed boundary fencing (cutting off natural light and air circulation due to proximity)
- Would set precedent - concerns it could result in new row of houses between Bewsbury Crescent and Castle Drive with bridlepath as road (concerns regarding notification of application at Castle Drive) and encourage other applications. Precedent not already set as 3 back garden developments have been granted which are not similar to this application (have access routed using driveway next to driveway)
- Whitfield Parish Council Annual Report stated “we are concerned about ‘back garden’ development; this increases housing density and puts pressure on existing services”. Parish Council objected to 15/01065 at this location.
- Need – no need for small projects of this nature with expansion of Whitfield
- Concerns in respect of flooding (and surface water at neighbouring property)
- Supporting information – four photographs submitted are not similar to proposals; are examples of driveways next to driveways, not driveways next to flank walls.
- Concerns regarding comments in support from residents outside of Bewsbury Crescent or Castle Drive, using similar wording
- Concerns regarding amendments to plans and time to determine application. Change to acoustic fencing which will not make any difference to noise. Concerns regarding effective maintenance of acoustic fences and hedges and whether action would be taken to enforce maintenance (concerns there was no notification of changes) – same as previous application 21/00664 and reasons for refusal stand. Suggestions planning department should visit site and speak with neighbours regarding their concerns

### Support

- In keeping with surrounding properties
- Proposal is for bungalow whereas all large building development in this area are of houses. Bungalows are much sought after by older couples living in houses and wishing to downsize, thus freeing their properties for use as family homes.
- Precedent already set in this area and road on at least 5/6 previous applications. Area already housing area so little impact and other homes in direct vicinity have completed similar projects

- See no reason why planning consent should not be granted – reference made to larger residential development in Whitfield
- Need for homes across the UK and particularly Kent. Need for more housing with growing population and government targets.
- Benefit to make use of existing areas where homes already are for homes to be built with least impact on green space. Sustainable solution to benefit local area and businesses.
- Minimum access for fire engines to enter a building is at least 3.7m wide to the driveway. Proposals is more than ample.
- Reference made to static home in neighbouring garden being lived in full time and has not been granted planning permission

## 1. **The Site and the Proposal**

- 1.1 The application site relates to two dwellings (Nos. 19 and 21) on the southeast side of Bewsbury Crescent, within the settlement confines of Whitfield. The site comprises two detached bungalows, with associated gardens, driveways, sheds and garages. To the east of No. 19 is No. 17 Bewsbury Crescent, which has a detached annexe within the rear garden of the property. To the west of No. 21 is No. 23 Bewsbury Crescent, a detached single storey bungalow. Public bridleway ER74 runs adjacent to the south eastern site boundary and to the south of this are Nos. 17, 19, 21, 23 and 25 Castle Drive, which are chalet bungalows with dormer windows on the rear roof slopes facing towards the site.
- 1.2 Bewsbury Crescent contains a mixture of bungalows, chalet bungalows and two storey dwellings, with the vast majority of properties being detached. The dwellings are generally finished in brick and/or render and there are a range of roof types and orientations. All dwellings are set back from the public highway behind either driveways or front gardens and there is a strong building line. However, a number of dwellings have been constructed in the rear gardens of properties, particularly in the eastern corner, and along the north eastern side of Bewsbury Crescent. Permission has also been sought for similar back garden development at properties along this southern section of Bewsbury Crescent (including this site – discussed further below) and permission for one detached bungalow has been granted to the rear of No. 31 Bewsbury Crescent (DOV/20/01542).
- 1.3 This application seeks permission for the erection of a detached dwelling, driveway with associated parking, alterations to the existing driveway (of No. 21) and blocking up of windows to the side elevation of No. 21 and erection of fencing (the existing garage and shed are to be demolished).
- 1.4 The proposed bungalow would be sited approximately 24m to the rear of No. 19 Bewsbury Crescent, 33m to the rear of No. 21 Bewsbury Crescent (and approximately 53m from the pavement). It would contain two bedrooms, bathrooms and an open-plan living/kitchen/dining room. The bungalow would be finished in composite cedar cladding, monocouche render and face brickwork, with fibre cement slate combination roof (tallest ridge height of 4.8m from ground level) and anthracite powder coated aluminium framed windows and doors. There would be a private garden to the rear (south), side (northeast) and front (north) and there would be a turning and parking area to the northwest of the dwelling. The existing vehicle access serving No. 21 would be retained and the driveway would be extended (the existing garage and shed demolished) to serve the proposed dwelling. New hedging

would be planted on either side of the driveway and acoustic fencing would be installed (measuring 0.9m in height between the pavement and the front of Nos. 21 and 23 and then 2m in height between these dwellings and along the lengths of their gardens.

- 1.5 A new block paved parking area (for two vehicles) and associated access would be created to the northeast of No. 21 Bewsbury Crescent, serving that property. As part of the works, the window on the flank (southwest) elevation of No. 21 (a secondary window serving a living room which has another window on the southeast elevation) would be blocked up. The existing rear gardens of Nos. 19 and 21 would be sub-divided to form the garden of the new dwelling, which would be separated by a 2m hedge.

## **2. Main Issues**

- 2.1 The main issues for consideration are:
- The principle of the development
  - Planning history of the site
  - The impact on the character and appearance of the area
  - The impact on residential amenity

## **Assessment**

### Principle of Development

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.
- 2.3 Policy DM1 states that development will not be permitted outside of 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. The site is located within the defined settlement confines and therefore accords with Policy DM1.
- 2.4 DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. Again, as the site is located within the settlement confines, the development accord with Policy DM11. The occupants of the development would be able to access most day to day facilities and services within Whitfield and would be able to reach these facilities by more sustainable forms of transport, including walking and cycling. The site is located relatively close to public transport links.
- 2.5 For the above reasons, it is considered that the development accords with Policies DM1 and DM11. It is therefore concluded that the development accords with the development plan.
- 2.6 The NPPF advises, at paragraph 11, that proposals that accord with an up-to-date development plan should be approved without delay. An assessment of the most important policies for the determination of the application must be undertaken to

establish whether the 'basket' of these policies is, as a matter of judgement, out-of-date. Additionally, criteria for assessing whether the development plan is out-of-date are explained at footnote 7. This definition includes: where the council are unable to demonstrate a five-year housing land supply; or, where the council has delivered less than 75% of the housing requirement over the previous three years (as assessed by the Housing Delivery Test).

- 2.7 Having regard for the most recent Housing Delivery Test, the Council are currently able to demonstrate a five-year supply. The council have delivered 88% of the required housing as measured against the housing delivery target; above the 75% figure which would trigger the tilted balance to be applied. It is, however, necessary to consider whether the 'most important policies for determining the application' are out of date.
- 2.8 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 557 dwellings per annum. As a matter of judgement, it is considered that policy DM1 is in tension with the NPPF, is out-of-date and, as a result, should carry only limited weight.
- 2.9 Policy DM11 is consistent with the NPPF which seeks to focus development in locations which are or can be made sustainable, where there is access to a range of modes of transport (including walking and cycling) and where development will support existing facilities and services, and social integration. It is considered that the blanket restriction imposed under (1) of DM11 however is contrary to the NPPF, albeit the remainder of the policy broadly accords with the NPPF. It is considered that DM11 is not out-of-date and should continue to attract significant weight.
- 2.10 The Council is in the Regulation 18 or 'consultation' phase of the draft Dover District Local Plan. This is the start of a process for developing a new local plan for the district, replacing in due course the Core Strategy and Land Allocations Local Plan. At this stage the draft is a material planning consideration for the determination of planning applications, although importantly it has little weight at this stage. As the plan progresses, it will be possible to afford greater weight to policies or otherwise, commensurate with the degree of support/objection raised in relation to them during the consultation process. A final version of the Plan will be submitted to the Planning Inspectorate for examination to determine if the Plan can progress to adoption and, if so, the degree to which final modifications will/will not be required. At the time of preparing this report therefore, policies within in the draft plan are material to the determination of the application, albeit the policies in the draft Plan have little weight at this stage and do not materially affect the assessment and recommendation.
- 2.11 Consequently, it is considered that the development plan policy most important to the determination of the application (Policy DM1) is out of date and, notwithstanding the proposals' compliance with the policy, the tilted balance approach of Paragraph 11 of the NPPF is engaged.

#### Planning History of the Site

- 2.12 There is extensive planning history for the site, with previous applications for three detached dwellings, two detached single storey dwellings and two single storey bungalows having been refused and dismissed at appeal. A more recent application

for a single storey detached bungalow was also refused and these decisions are discussed below.

- 2.13 Application DOV/14/00388 sought permission for three detached (two storey) dwellings, with the proposed access to the west side of No. 21 (as currently proposed). Application DOV/14/00726 sought outline permission (all matters reserved) for two detached bungalows, also proposing to use the same access as proposed under this application. Both applications were refused and dismissed at appeal. The Inspectors Report which addressed both refusals considered the impact on the character and appearance of the area and on the living conditions of the occupiers of an adjoining dwelling, No. 21 Bewsbury Crescent, with particular regard to activity and disturbance arising from the use of the new access. The Inspector considered that "Taken together with the other tandem forms of development in the immediate area, the proposed dwellings would be in keeping with the established residential character". However, the Inspector raised concern that the traffic movements very close to the private area of No. 23, whilst limited in number, would undoubtedly result in increased noise and disturbance close to the sitting out area and the bedroom windows of No 23 which "would not result in a good standard of amenity for existing residents" contrary to the fourth bullet point of Paragraph 17 of the Framework (2012).
- 2.14 Subsequent applications DOV/15/01065 and DOV/16/00909 (both for two detached dwellings) proposed a driveway between Nos. 19 and 21. The impact on character and appearance (in respect of the principle of tandem or backland development) was no longer raised as an issue, however permission was refused as "By reason of the intensification of the use of the access between no. 19 and 21, the proposal would result in an unacceptable impact upon the amenities of the occupiers of in particular no 21, through the introduction of vehicle movements along the side and rear of properties 19 and 21 Bewsbury Crescent and the associated activity and disturbance that would arise from these movements. The proposed development is therefore contrary to Paragraph 17 of the National Planning Policy Framework."
- 2.15 Application DOV/21/00664 proposed a detached bungalow. Based on the previous appeal decisions, no concerns were raised in respect of the siting, scale, design or principle of the erection of a detached single storey bungalow to the rear of Nos. 19 and 21. However, the application was refused as it was considered on balance that "The extension of the driveway to the proposed dwelling would by reason of its use, the comings and goings of pedestrians and vehicles and associated levels of activity along it by the occupiers of and visitors to the proposed dwelling, harm the living conditions of the occupiers of No. 21 Bewsbury Crescent and No.23 Bewsbury Crescent, contrary to Paragraph 127 of the National Planning Policy Framework (2019) and Paragraphs C1 and H2 of the National Design Guide".
- 2.16 The current scheme proposes a single storey detached bungalow of the same siting, scale and design as that previously considered under DOV/21/00664. However, alterations have been made to the parking arrangements for the site such that the existing access and extended driveway would now serve only the proposed bungalow, with a separate parking area provided to the front of No. 21 to serve that dwelling (resulting in a reduced number of vehicle movements at the access point and removing vehicles which would previously have been manoeuvring in close proximity to the front and side elevations of Nos. 21 and 23, compared to the previous scheme). In addition, a 2m tall acoustic fence (a fence of this height could currently be installed under permitted development rights) would be installed either side of the access in line with the flank elevations of Nos. 21 and 23 Bewsbury Crescent and running the length of the garden of No. 23 Bewsbury Crescent (the



revised plans confirm that the acoustic fence would span the full length of the boundary with No. 23 where this was previously ambiguous and hedging was relied upon to soften noise disturbance). Furthermore, the proposed site block plan clarifies that the entire driveway serving the proposed bungalow would be finished with a bound surface to minimize noise disturbance as much as possible. Whilst it is considered to be a very balanced case (as was the previous application DOV/21/00664), it is considered that the minor changes to the parking arrangements and clarification of boundary treatments now weigh in favour of the scheme, as set out further below.

#### Impact on the Character and Appearance of the Street Scene

- 2.17 The site is located within a predominantly residential area and, as discussed at paragraph 1.2, Bewsbury Crescent contains dwellings of a mix of designs, materials and heights. As such, the character of the street scene is considered to be varied. Whilst there is a strong building line along Bewsbury Crescent, as discussed above, there have been a number of applications within the Crescent to erect dwellings in the rear gardens of properties and the principle of backland development, having also had regard to previous Inspectors' decisions (set out at Paragraph 2.14) is therefore considered to be acceptable.
- 2.18 The proposals would create a single storey detached bungalow to the rear of Nos. 19 and 21 Bewsbury Crescent. The dwelling would be set well back from the highway and would be accessed via a driveway to the west side of No. 21 Bewsbury Crescent. There would be limited views of the dwelling from the public highway, with glimpsed views between the existing bungalows along this section of Bewsbury Crescent and views of the roof of the bungalow from the Public Bridleway to the rear (with a distance of approximately 4.5m between the rear elevation of the bungalow and the rear boundary fence). Notwithstanding this, due to the scale and design of the proposed dwelling, it is considered the development would be in keeping with the varied character and appearance of the area, in accordance with the objectives of Paragraph 130 of the NPPF.
- 2.19 In terms of the other external alterations proposed, concerns have been raised in representations in respect of the proposed parking area to be provided to serve No.21 Bewsbury Crescent (creating two parking spaces). However, there are numerous dwellings within Bewsbury Crescent which have parking areas to the front and it is not considered that this would be out of keeping with the character of the street scene. In addition, the height of the acoustic fencing (with hedgerow) to be installed either side of the driveway serving the proposed dwelling has been reduced in height (and re-advertised accordingly) such that it is considered this would preserve the appearance of the area.

#### Impact on Residential Amenity

- 2.20 The proposals would be visible from a number of nearby properties (including the annexe to the rear of No. 17 Bewsbury Crescent and properties on Castle Drive) and as a result, the gardens of Nos. 19 and 21 Bewsbury Crescent would be

subdivided to form the garden for the proposed dwelling. Whilst the proposed bungalow would be directly visible from a number of neighbouring dwellings and annexe, due to the siting, scale and design of the bungalow, it is not considered that the proposed development would result in an overbearing impact on neighbouring residential amenity. Furthermore, due to the scale of the building, separation distance from nearby properties and direction of the sun path, the bungalow would largely overshadow its own garden and parking area and is not considered to result in undue overshadowing or loss of light to the amenities of neighbouring residents.

- 2.21 In respect of privacy, all windows would be located at the ground floor level of the bungalow and would predominantly overlook the garden and parking area of the site, with wider views restricted by boundary planting (and a distance of approximately 22m between the rear elevation of the proposed bungalow and the dwellings of Castle Drive). Whilst there would be large sections of glazing on the northeast flank elevation (facing towards the annexe to the rear of No. 17 Bewsbury Crescent), there would be a separation distance of approximately 10m between the proposed dwelling and the boundary treatment, which would obscure the majority of views between the two buildings. On balance, it is therefore considered the proposals would sufficiently preserve the privacy of nearby residents and would be unlikely to result in unacceptable overlooking. It is however considered appropriate to suggest a condition is imposed requiring the boundary treatments indicated on the block plan to be installed prior to first occupation, in the interests of residential amenity.
- 2.22 As part of the proposals, a window on the flank (southwest) elevation of No. 21 Bewsbury Crescent would be boxed in. This is a secondary window to a living room, also served by a window on the southeast elevation (looking into a glazed conservatory). Consequently, it is considered occupants of the dwelling would experience an acceptable quality of amenity. Notwithstanding this, a condition is suggested for this window to be blocked in prior to the first occupation of the proposed bungalow (due to the vehicle movements associated with the use of the driveway by occupants of the dwelling).
- 2.23 In respect of noise and disturbance, the proposed dwelling would be accessed via a driveway adjacent to the southwest site boundary, which would span the full depth of the retained garden of No. 21 Bewsbury Crescent and the majority of the length of the garden of the neighbouring No. 23 Bewsbury Crescent. In respect of No. 21 Bewsbury Crescent, as set out above, it is proposed to infill the existing window on the flank (southwest) elevation of this bungalow. There is also a bedroom window on the front elevation of the bungalow which would be in close proximity to the proposed driveway. However, a hedgerow and 0.9m acoustic fencing would be installed to the front of this dwelling, which is considered to reduce the noise experienced by occupants of the dwelling. In addition, 2m tall acoustic fencing and hedgerow would be installed along the length of the retained garden boundary of this dwelling. Consequently, whilst having regard to the previous decisions and on balance, it is not considered that the level of disturbance associated with the vehicle movements, residents and visitors of the two bedroom dwelling would result in such

harm to warrant a reason for refusal.

- 2.24 In respect of No. 23 Bewsbury Crescent, this neighbouring bungalow has windows on the front and rear elevations which serve bedrooms, with no windows on the immediate flank (northeast) elevation. There is an approximately 1m wide pathway to the northeast side of the dwelling, separating it from the boundary hedge with the site. Hedgerow runs along the majority of this boundary (except where the existing garage – to be demolished – is located, where new hedgerow would be planted), however the hedgerow is thin in sections, affording views between the two gardens. The proposed boundary treatments are to be formed of hedgerows, with 0.9m high acoustic fencing between the pavement and in line with the front elevation of No. 23 Bewsbury Crescent, and 2m high acoustic fencing along the rest of the length of the boundary (fencing of that height could be installed under permitted development rights, not requiring planning permission). Hedgerow is proposed either side of this and it is considered appropriate to suggest a landscaping condition is imposed which would also demonstrate how this could be installed adjacent to the fence panel in a way which would ensure roots would be sufficiently protected to enable it to establish.
- 2.25 As identified in the planning history of the site section above, permission for dwellings utilising a driveway in this location has previously been refused. These schemes were for three and then two dwellings (DOV/14/00388 and DOV/14/00726 respectively), where the traffic movements close to the private area of No. 23 Bewsbury Crescent, whilst limited in number, were considered to result in increased noise and disturbance close to the sitting out area and the bedroom windows of No. 23 Bewsbury Crescent. The most recent application at the site (DOV/21/00664) also proposed a driveway in this location, serving the proposed detached bungalow (albeit the access also served the driveway of No. 21 Bewsbury Crescent). It is considered that this was a balanced decision and that whilst the number of vehicle movements associated with the dwelling would be limited, the noise and disturbance was considered sufficient to warrant refusal.
- 2.26 This revised scheme proposes a separate driveway for No. 21 Bewsbury Crescent (avoiding the need for additional vehicle turning and manoeuvring in close proximity to No. 23 Bewsbury Crescent), with confirmation that the entirety of the driveway and parking area would be a bound surface and that the extent of the boundary with No. 23 Bewsbury Crescent would feature an acoustic fence. In support of the proposal, a Noise Impact Assessment (MRL Acoustics February 2021) has been submitted (and Environmental Protection Officers have been consulted accordingly). This examines the existing background noise climate (at the rear of No. 21 Bewsbury Crescent, near the boundary with No. 19 Bewsbury Crescent) and assesses the potential for unacceptable noise levels resulting from the use of the side access road to the new development as compared to BS:8233:2014. Conclusions of the report state that noise levels will be in the region of 48dB LAeq (1 hr). This level is below daytime noise levels recommended in the above British Standard. The report recommends 1.8m high acoustic boundary fencing (the majority of the proposed acoustic fencing is 2m tall) and a bound surface driveway (proposed for the entirety of the driveway and parking area as part of the scheme).

No objection has been received from Environmental Health Officers, subject to details of the fencing and maintenance (suggested to be secured by condition). Consequently, whilst very finely balanced, it is considered that subject to the imposition of the suggested conditions, the level of noise and disturbance to neighbouring occupants from the vehicle and pedestrian movements associated with the proposed two bedroom bungalow is unlikely to result in such significant harm to warrant a reason for refusal.

- 2.27 Conditions are also suggested requiring further details of hard and soft landscaping, including all boundary treatments and driveway surfaces to be submitted. In the interests of privacy, and to prevent the creation of dormer windows within the proposed bungalow under permitted development rights, a condition is also suggested restricting permitted development rights under class B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

#### Amenity of the Proposed Occupiers

- 2.28 The proposed dwelling would contain two bedrooms, with a large open plan living/kitchen/dining room with windows and doors leading out to the private garden. No details of secured bicycle storage have been shown, however a condition is suggested for these details to be submitted should permission be granted. Subject to this, it is considered the proposals would provide a good standard of amenity which would accord with Paragraph 130 of the NPPF.

#### Other Material Considerations

##### The Conservation of Habitats and Species Regulations 2017, Regulation 63: Appropriate Assessment

- 2.29 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.
- 2.30 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.
- 2.31 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.

- 2.32 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.
- 2.33 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.
- 2.34 Having had regard to the proposed mitigation measures, 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.

#### Impact on Parking/Highways

- 2.35 The existing garage and shed to the southwest of No. 21 Bewsbury Crescent would be demolished and a driveway, which would be finished in a bound surface, would be installed to serve the proposed bungalow, utilising the existing access. A parking and turning area would be provided to the west of the proposed bungalow, with space to park at least two vehicles. This would accord with the parking requirements set out in Policy DM13. In addition, a new parking area would be created to the north of No. 21 Bewsbury Crescent, with new access, to provide two parking spaces for that dwelling, which is also in accordance with the requirements of Policy DM13. As part of the suggested landscaping condition, details of the finish of the surface for the driveway and parking area would be required to ensure a bound surface would be used, minimizing noise disturbance.
- 2.36 In line with The Council's emerging policy approach and with the sustainable transport objectives of the NPPF, it is suggested that should permission be granted, a condition be imposed requiring cabling to be installed to serve the spaces for the proposed bungalow, to enable the installation of vehicle charging points. A condition is also suggested requiring the proposed driveways/parking areas to be completed, surfaced and drainage measures installed (to prevent the runoff of water onto the highway).

#### Impact on Flood Risk

- 2.37 The application site is located in Flood Zone 1 which has the lowest risk from flooding. Due to the size of the site (less than 1 hectare), a flood risk assessment is not required. Furthermore, as the proposed dwelling would be located within Flood Zone 1, a sequential test is not required. Nonetheless, given the concerns raised by

third parties regarding surface water flooding in the area, a condition for details of surface water disposal to be submitted is suggested. Subject to this, the development is considered acceptable in this regard.

### Drainage

- 2.38 Southern Water was consulted on the application and advise that a formal application for a connection to the public foul sewer would need to be made by the applicant or developer. Should permission be granted, their consultation comments will be included on the decision notice as an informative. The application form states the disposal method for foul sewage is via the mains sewer and it is not considered necessary to request further details by way of condition.

### Wildlife/Ecology

- 2.39 The site relates to garden land which appears reasonably well maintained, is bounded by fences and, having regard to Natural England advice, is considered unlikely to provide a suitable habitat for European Protected Species.

### Safety

- 2.40 Concerns have been raised in public representations regarding access for emergency vehicles such as fire engines. Having had regard to the comments of Kent Fire and Rescue Service, it is suggested a condition is imposed requiring a sprinkler system to be installed within the proposed bungalow.

## **3. Conclusion**

- 3.1 The application site is located within the settlement confines and the proposed erection of a detached dwelling, driveway with associated parking, alterations to the existing driveway and blocking up of the window to the side elevation of No. 21 Bewsbury Crescent is considered acceptable in principle in this location. Having regard to the recently approved backland development to the north east section of Bewsbury Crescent, and to the appeal decisions for backland development along this southern section of Bewsbury Crescent, it is considered the principle of tandem development can be considered acceptable. Due to the design, siting and scale of the proposals, it is considered the development would preserve the varied character and appearance of the street scene. Whilst the proposed driveway would result in some noise and disturbance, for the reasons discussed in this report and subject to the suggested conditions, on balance, this is not considered to result in unacceptable harm to residential amenity. Furthermore, the development is considered unlikely to result in unacceptable harm in respect of overbearing, overshadowing or harm to the privacy of nearby residents. Having regard to the tilted balance engaged by Paragraph 11 of the NPPF, for the reasons outlined above, whilst finely balanced, it is considered that the disbenefits of the application do not significantly and demonstrably outweigh the benefits of the development. Subject to the conditions suggested below, it is considered that, on balance, the

proposed development would accord with the aims and objectives of the NPPF.

**4. Recommendation**

- I PERMISSION BE GRANTED subject to conditions:  
(1) Standard time condition, (2) list of approved plans (3) samples of materials (4) details of soft and hard landscaping (including elevations showing boundary treatments and driveway/hardstanding surfaces) and schedule of planting (with details of root protection measures for the proposed boundary hedgerow due to the proximity of proposed fencing) (5) provision and retention of the parking area with drainage measures installed and completion of the dropped kerb for the new access before first use (6) details of surface water disposal (7) window on west elevation of No. 21 Bewsbury Crescent to be blocked in prior to first occupation of the new bungalow (8) cables for EV charging points (9) details of secured cycle storage (10) provision of refuse and recycling storage shown on plan (11) removal of permitted development rights for Class B of Part 1, Schedule 2 of the GPDO in respect of proposed bungalow (12) details to be submitted of a sprinkler system to be installed in the new bungalow
- II Powers to 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 Officer:

Rachel Morgan