

- a) **DOV/21/01811 - ERECTION OF A DETACHED BUNGALOW, CYCLE SHED, RECYCLE STORE, ASSOCIATED PARKING AND TURNING AREA**

**2 JOHNS GREEN, SANDWICH**

Reason for report – Number of contrary views (17)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM11

Land Allocations Local Plan (2015): N/A

Local Plan (2002) Saved policies: N/A

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 have little weight and are not considered to materially affect the assessment of this application. The Draft has completed the first public consultation exercise, which expired in March and at this stage only minimum weight can be afforded to the policies of the Plan.

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 130,

National Design Guide & National Model Design Code (2021)

- d) **Relevant Planning History**

PE/10/131 – Pre-application advice for erection of a dwelling

PE/15/141 – Pre-application advice for the erection of a dwelling

15/01108 – Erection of dwelling, detached garage and associated vehicular access – Refused for the following reasons:

- 1. The proposal, due to its height, scale and siting would result in a dwelling that would be poorly related to the edge of the settlement and its spatial character, within its open and prominent context on the edge of the settlement confines of Sandwich, which would be highly visible within the landscape over open countryside. As such, the proposal has not taken the opportunity to achieve a high quality form of development nor improve the visual character and appearance of the area, contrary to Paragraphs 17, 56-59 and 64 of the National Planning Policy Framework.*
- 2. The development, if permitted, due to the upper floor fenestration would enable elevated views into the gardens of numbers 165 Dover Road and 4 John's Green and in particular No.2 and no. 2a John's Green and would cause an unacceptable level of overlooking into private amenity space, detrimentally affecting the enjoyment of that property by its occupants, contrary to the aims and objectives of the NPPF, in particular paragraph 17.*

16/00092 Erection of a detached dwelling and associated vehicular access Refused for the following reason:

1. *The proposal, due to its height, scale and siting would result in a dwelling that would be poorly related to the edge of the settlement and its spatial character, within its open and prominent context on the edge of the settlement confines of Sandwich, which would be highly visible within the landscape over open countryside. As such, the proposal has not taken the opportunity to achieve a high quality form of development nor improve the visual character and appearance of the area, contrary to Paragraphs 17, 56-60 and 64 of the National Planning Policy Framework.*

APPEAL DISMISSED in dismissing the appeal, the Inspector found the proposal would be harmful to the character and appearance of the area.

e) **Consultee and Third Party Representations**

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

Sandwich Town Council – recommend refusal due to unnecessary backland development contrary to past planning policies, loss of natural wildlife and habitat.’

Kent Fire and Rescue -raise concerns over the ability of a fire appliance to access the driveway due to the restricted width, electric gates and limited turning area. It would mean the fire appliance would need to remain at the top of the driveway to 2 Johns Green and run a hose to the building. Under building regulations emergency access would be required. At full plans stage with building control the Fire and Rescue Service would need to be consulted again.

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

DDC Tree Officer – sought a Pre-development tree survey and report. Is happy with the recommendations set out in the report including the use of non-evasive pile foundation.

DDC Ecological Officer – sought a bat survey and potential roost assessment. Confirms that the reports adequately assess the potential of the site for use by bats. Acknowledges there is potential for the garage as a roost, however none were recorded. A condition and informative are suggested in relation to ecological enhancements and bat licence if necessary.

Third party Representations:

Representations of objection have been received and are summarised below:

- Impact on neighbours
- Contrary to DM16
- Loss of natural habitat
- Lack of justification – DDC has a 5 year housing supply
- Inappropriate development of gardens
- Does not maintain the prevailing character
- Discrepancies in the details on the application form
- Disagree with comments in the planning statement

- No engagement with neighbours
- No tree survey or root protection details for Chestnut tree
- Unnecessary backland development, over development
- Fire safety concerns
- 4<sup>th</sup> attempt at planning permission, already an annexe within the existing house
- Inadequate visibility
- Incongruous development where a linear pattern exists
- Overlooking no.2A & No.4
- Light pollution impact on bat population
- 3d image misleading
- Traffic/parking/highways safety

Representations in support of the proposals have been received and are summarised below:

- Much needed bungalow accommodation
- Good design
- Innovative, eco-friendly
- Positive impact on the environment

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

- 1.1 The application site falls within the settlement confines on the northern side of Johns Green towards the southern edge of Sandwich. The proposed plot is located in the rear garden of no. 2 Johns Green. The existing garden extends in an 'L' shape whereby the rearmost section wraps behind the rear garden of no. 2a.
- 1.2 The site is adjoined on either side by dwellings and to the rear is agricultural land. There is both close board fencing, trees and hedging around the perimeter of the site.
- 1.3 The area is typically characterised by detached and semi-detached two storey dwellings, although some bungalows can also be found.
- 1.4 The proposal is for a detached cedar clad dwelling with two parking spaces, garden area, recycle store and cycle shed. The dwelling would have a rectangular form, with a flat roof and 3 roof lights. The dimensions would be approximately 14.5m long x 7m wide x 3.3m high. The roof would be either metal or fibre glass. The accommodation would comprise 2 bedrooms, a study, bathroom, lounge/diner and a kitchen. The dwelling would be orientated with the rear elevation to the fields behind the site. Amenity/garden land would be on 3 sides of the plot with a block paved drive at the front. Details have also been provided of a cycle shed and recycling bin store.
- 1.5 Access to the site would be from John's Road through the existing access for no. 2. The existing garage on the site would be demolished. Parking for no.2 would be at the front of the dwelling as existing.

**2. Main Issues**

- 2.1 The main issues for consideration 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
- Ecological impact
- Other issues

## **Assessment**

### **Principle of Development**

- 2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 2.3 The application site falls within the settlement confines of Sandwich. As such, under Policies CP1 and DM1, the erection of a dwelling within the settlement boundary is acceptable in principle.
- 2.4 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.
- 2.5 With regard to this particular application, the focus of the NPPF is to locate new dwellings within suitably sustainable locations. Supporting the principle of new housing within the settlement confines would be consistent with both the NPPF and the core strategy.
- 2.6 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 on the Character and Appearance**

- 2.7 The proposed development has a simple rectangular form, which will be subservient to the form of the buildings on either side of the application site. The roof design being flat keeps the scale and mass of the building low. The design resembles what might typically be viewed as an outbuilding within a residential curtilage. The proposed use of materials (cedar cladding) would reflect a typical curtilage building.
- 2.8 It is noted that planning permission was refused on this site twice previously for a new dwelling in a similar location. The first refusal was for a 2 storey dwelling

and the second a bungalow. Part of the reason for the previous refusals related to the impact on the character and appearance of the locality. In the case of the previous schemes the proposals were significantly greater in scale and mass, the dwellings took the form of a traditional build and therefore led to them appearing out of kilter with the linear street scene. It is key that this proposal takes a simple form and does not compete with any of the nearby dwellings to resemble a presence in the locality. The low key 3.3m high structure would be read as an outbuilding/ancillary building from the street frontage with minimum views through to the rear of the site. Application 16/00092 was for a traditional bungalow with a pitched roof of 5.5m in height. The current scheme is more aligned to the pre-application advice that has previously been given on this site – that a smaller, single storey dwelling may be more appropriate, thereby reducing the impact to an acceptable level, as it would retain a graduation in development towards the countryside.

- 2.9 When viewed from Dover Road across the agricultural land, there are views of a pitched roofscape and an abundance of soft edged boundary treatment – albeit with gaps in places. The proposal is set in from the rear boundary by approximately 3.3m. A pre-development tree report has been submitted and the site assessed by the DDC tree officer. It is considered that the proposal can be accommodated without detriment to the existing tree line – conditions are suggested to ensure following the recommendations of the tree protection plan. A timber clad building will be glimpsed through the boundary treatment but will be low key on the landscape. The building will still allow views of the two storey pitched roofscape across the fields and not compromise the soft edge that currently exists.
- 2.10 It is also noted that no. 165 Dover Road is a substantial two storey dwelling that is significant in the landscape when viewed in the context of the application site. It is also not uncommon to see outbuildings in rear gardens from views such as this and it is not considered that the building will feature prominently in the landscape. Therefore, notwithstanding the previous decisions taken on this site, the current proposal is considered to have been designed around the site constraints and taken heed of the past conclusions to development on this site.
- 2.11 Views of the proposed building from Johns Green would be limited to oblique sitings down the access and from further afield mitigated by landscaping. It is concluded that the building has been well designed and is compatible with the site constraints and that the proposal would appear intrusive or unduly harmful to the prevailing visual quality of the street scene or the character and appearance of the area.
- 2.12 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.

#### Impact on Residential Amenity

- 2.13 The proposed building is single storey only. The dwelling would be approx. 3.3m from the rear boundary and 8.6m to the rear garden of no 2a (with a further 24m to the rear elevation of no. 2a) and 20.1m to the rear garden of no 2. It would be approx. 9.4m to the side of the rear garden of no. 4 and 3.2m to the boundary with 165 Dover Road. The rear elevation of no. 165 Dover Road is approximately 35m away.

- 2.14 Whilst there are principle windows that face back towards no 2/2a Johns Green these would not give rise to overlooking when considered against 2m high boundary treatment and a separation distance of approximately 32m. One of the reasons for refusal on the 2016 planning application was in relation to overlooking from first floor windows.
- 2.15 The proposed building is sufficiently separated from nearby dwellings not to give rise to any loss of light or overbearing impact. It is recognised that the use of the driveway will have some impact on the occupiers of the existing dwellings. Casa Mia is located to the east of the access drive and benefits from a detached elongated garage that acts as a buffer between the driveway no.2 and that property. Parking for no.2 will be at the front of the property so the access will provide the one new dwelling at the rear. There is the potential for a greater impact on the host dwelling at ground floor level, however there are no bedroom windows on the ground floor which would be of greater concern. Furthermore as the site is currently under one ownership the impact will be on the existing owner or a new owner who will be aware of the access arrangements. The existing arrangement already sees vehicular access to the rear of host dwelling, this proposal will make this more formal.
- 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.

#### Impact on Parking/ Highways

- 2.17 A number of objections have highlighted concerns regarding traffic and parking. The proposed development will accommodate two parking spaces on the application site. This provision of on-site parking is considered to be acceptable, according with the requirements of policy DM13.
- 2.18 The proposal uses an existing access and area for two parking spaces. The site would utilise an existing vehicular access off a residential cul-de-sac which is not considered to cause harm to the safe functioning of the highway network.
- 2.19 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”. It has been concluded that the development would not harm highway safety and it is considered that the proposal is acceptable, subject to suitably worded conditions to secure car parking, EV charging and cycle parking.

#### Ecology

- 2.20 The DDC Ecologist sought details in relation to a Bat survey to ensure that the garage to be demolished was not used as a roosting facility. A bat survey was undertaken and the garage was also assessed as a potential roost - no evidence was found of bat roosts. The survey did identify bat activity in the area, indicating that bats are flying over the site but no evidence was found of a roost in the garage. The development is unlikely to have a significant impact on this activity; however, it is recommended that conditions be attached to secure bat sensitive lighting and to secure ecological enhancements in the form of a bat box. Accordingly there is no objection on ecological grounds.
- 2.21 Habitats Regulations (2017) Regulation 63: Appropriate Assessment

- 2.22 The impacts of the development have been considered and assessed. There is also a need to consider the likely significant effects on European Sites and the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.23 Detailed surveys at Sandwich Bay and Pegwell Bay have been carried out. 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.
- 2.24 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. 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.
- 2.25 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.

#### Other Matters

- 2.26 The fire officer raised the issue of access to the building. In light of this it is proposed to provide a domestic sprinkler system in the building. This matter can be regulated through building control.
- 2.27 The applicant's agent has submitted information regarding precedents for backland development in the district. This application has been considered on its own merits and not in comparison to other applications in the district.

### **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 settlement 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.

**4. Recommendation**

I PERMISSION BE GRANTED subject to conditions:

- 1) Time limit
- 2) Plans
- 3) Samples/Details
- 4) Boundary treatment
- 5) Drainage details
- 6) Landscaping/tree protection
- 7) PD rights removed
- 8) EVC point
- 9) Parking
- 10) Implementation of cycle storage/refuse storage
- 11) Bat sensitive lighting
- 12) Ecological enhancements

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: Amanda Marks