

- a) **DOV/21/01783 – Erection of two detached dwellings, formation of vehicle access, associated parking and associated works and landscaping - Land Adjoining 4 Woodnesborough Road, Sandwich**

Reason for report – Number of objections.

- b) **Summary of Recommendation**

Approve planning permission subject to conditions

- c) **Planning Policy and Guidance**

Local Plan 2002 (saved policies)

Policy TR10

Core Strategy Policies (2010) (CS)

Policies: DM1, DM11 and DM13

National Planning Policy Framework (NPPF) (2021)

Paragraphs: 7, 8, 11, 60, 69, 110, 111, 119, 120, 124, 130, 174, 180, 185, 194, 195, 201, 206

Draft Dover District Local Plan

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however the policies of the draft Plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out.

The Kent Design Guide (KDG)

Other

Supplementary Planning Guidance SPG 4 Kent Vehicle Parking Standards July 2006

Technical Housing Standards – nationally described space standards

Planning (Listed Building and Conservation Areas) Act 1990

- d) **Relevant Planning History**

19/01259 - Erection of 1no. detached and 2no. semi-detached dwellings, formation of vehicle access and associated parking - Refused 23rd December 2019 for the following reasons:

1. *By virtue of the siting and layout of the proposal, it would result in the creation of a cul de sac parking pattern which would be wholly at odds with the prevailing character and pattern of development in the area and would result in the side elevation of plot 3 being prominent in views from the east. Consequently, the development would fail to integrate into and cause harm to the character and quality of the area, contrary to paragraphs 127 and 130 of the National Planning Policy Framework.*

2. *The proposed development fails to demonstrate that the required visibility splays could be achieved over land within the control of the applicant and/or the highway authority. Therefore, the proposed development would result in unacceptable harm to the highway safety and would be contrary to paragraphs 108 and 109 of the NPPF.*
3. *By virtue of the scale of the proposed dwellings (plots 1 and 2) and the limited separation distance from the existing dwelling no.4 (5.7m from the dividing boundary) fronting Woodnesborough Road, it would result in a severe sense of enclosure to the neighbouring occupiers of no 4 such that the living conditions of the existing occupants would be unduly prejudiced. As such, the proposal would fail to secure a good standard of amenity for existing occupants of the neighbouring properties, contrary to paragraph 127 of National Planning Policy Framework.*

17/00454 - Outline application for the erection of 3no. dwellings (with all matters reserved) - Refused 9th June 2017. Appeal dismissed 23rd January 2018

15/00802 - Outline application for the erection of three dwellings (with all matters reserved)- Refused 1st October 2015

07/00990 - Erection of 3 two bedroom dwellings, construction of vehicular access and associated car parking - Refused 22nd January 2008

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

KCC Highways – No objection. Advise drawings need to show dimensioned parking space (*amended plan submitted*) and recommend conditions to secure electric charging, cycle and refuse storage and driveway materials.

KCC Archaeology – Recommends a condition securing archaeological work.

Network Rail – Provides information to the developer regarding developments in proximity to the railway line including future access arrangement, drainage and proximity of trees to the railway.

Southern Water – Advise that a formal application is required for a connection to the public foul sewer.

Sandwich Town Council – Objects due to difficult and bad traffic access on a dangerous corner, loss of wildlife and natural habitat, including disturbing a nearby bat-roost. Incongruous development next to a Conservation Area.

Conservation Officer - *The boundary for the CA ends on the town side of the railway line: the railway creates a definite demarcation and results in the site having a stronger visual link to the part of Woodnesborough Rd outside the CA than within the CA. Certainly the green space on the town side (designated as protected open space and within the CA) has the role of being a positive contributor to the character of the CA. In my view some form of development here would, subject to detail and siting, be acceptable. 3 units have previously been considered acceptable by Heritage in 2007. If openness is important then plot A is the unit that could cause concern as it would have greatest impact on the view out from the CA, by bringing modern development closer to the open space within the CA adjacent to the CA."*

The key change with the latest iteration is that the car parking has been located within an area that previously had been designated as new tree planting to replace the Scots pine. I'm now not sure how much screening will be afforded to the development: screening in terms of greenery and not a wall- the heritage statement and D&A note that walls are found throughout Sandwich so consider this to be an appropriate response. A wall would form a hard feature contrary to the current character which has previously been identified as an important aspect of the view out of the CA.

Therefore, I have to conclude that there is harm to the CA due to the harsh boundary treatment of the development site. The harm is less than substantial and at the lower end so you may feel that the benefits of 2no. new dwellings is sufficient to outweigh this harm.

Third Party Representations:

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

- Windows have direct views into the garden of No.4
- Introduction of hard landscaping and loss of green infrastructure.
- Impact on tree RPAs.
- Loss of ecological corridor.
- Loss of TPO tree.
- Highway safety and traffic congestion.
- Proposed access is too close to the railway level crossing.
- Dangerous vehicular exit onto a sharp bend
- Flood risk.
- Ecology impact / bat foraging area.
- Trees on the adjacent site should be protected by a TPO (a separate application has been made to TPO trees on the adjoining site)

1. The Site and the Proposal

The Site

- 1.1 The site is located within the settlement confines of Sandwich on a corner plot located adjacent to no. 4 Woodnesborough Road. The site is broadly rectangular in shape and is overgrown shrubland. There is a Scots Pine on the site which is protected by a TPO.
- 1.2 To the west of the site there is an existing container housing a gas compressor and an area of hardstanding. There are residential dwellings to the west. The railway line runs along the eastern boundary from north-west to south-east. Woodnesborough Road extends along the northern boundary with a railway level crossing abutting the site to the northeast.
- 1.3 The site is located adjacent to Sandwich Conservation Area, the boundary of which begins on the opposite side of the railway.

The Proposal

- 1.4 Erection of 2no. detached dwellings, formation of vehicle access, associated parking, and associated works and landscaping.
- 1.5 The two detached dwellings would face onto Woodnesborough Road with a vehicle access drive located between the dwellings providing access to a turning area and parking spaces in the eastern boundary of the site.
- 1.6 The two-storey dwellings have a simple traditional form comprising a pitched natural slate roof, an eaves overhang, brick course eaves detailing, chimneys and porch canopies. The recessed grey fenestration and two-storey pitched roof front gable additions add some more modern features to the dwellings.
- 1.7 A strip of land along the northeast section of the site has been set aside for a future pedestrian route connection to Jubilee Road in accordance with Local Plan 2002 policy TR10.
- 1.8 The proposal would result in the removal of a TPO Scots pine to accommodate the development. The removal of this tree has been accepted under previous applications at this site.

Amendments During the Course of the Application

- 1.9 Following negotiations with the applicant amended plans have been submitted as follows:
 - Ridge level on both dwellings has been reduced by approx. 1.2m to approx. 7.3m.
 - Roof form changed from gable to hip ends.
 - Two-storey front gable included on both dwellings.
 - Pitched roof porch canopies added.
 - Facing brick changed from yellow to red.
 - The eastern boundary wall has been replaced by a mixed native hedgerow.
 - A replacement tree is proposed to mitigate for the removal of the Scots pine tree.

Difference Between Current and Previously Refused Application 19/01259

- 1.10 The main differences are considered to be:
 - Reduction in number of dwellings from three to two.
 - Increased separation between the proposed development and Conservation Area boundary.
 - Removal of cul-de-sac parking and reorientation of parking arrangement to include a small parking court in the eastern corner of the site.
 - Increased separation distance between the proposed dwellings and adjoining residential boundary.
 - Submission of highway technical note regarding the vehicle access and visibility splays.
 - Reduction in height by approx. 250mm.

2. Main Issues

- 2.1 Principle
 - Visual impact and setting of the Sandwich Conservation Area (CA);
 - Residential amenity;

- Highway safety with respect to vehicle access; and
- Loss of TPO tree and green infrastructure.

Principle

- 2.2 The application site is located within the Sandwich urban area therefore the principle of residential development is considered acceptable in terms of its location subject to other material planning considerations. The principle of residential development has also been accepted on this site by the Council and Inspector during previous applications.

Design and Visual Amenity

- 2.3 This site has a long planning history and the Council have considered and refused a number of applications for housing development. A proposal has also been refused at appeal. The previous applications were all for three dwellings and the current application seeks to overcome the previous reasons for refusal by reducing the proposal to two dwellings.
- 2.4 The previous two applications are considered to be most relevant and provide a narrative for the current application and proposed layout. Application 17/00454 (three dwellings proposed) was refused by the Council and the decision was upheld at appeal.
- 2.5 The Inspector at paragraph 5 of the decision raised concerns regarding the siting and orientation of the semi-detached pair (L-shaped footprint in the west of the site) and concluded that the proposal would result in a discordant, incongruous form of development which would be unduly prominent in the street scene. However, he advised that the reorientation of the dwellings could possibly overcome this concern but would be likely to lead to overlooking of the private rear gardens of no.4 Woodnesborough Road and its neighbours. At paragraph 6 the Inspector states *'the Council criticise the cul-de-sac/parking area ... as a matter of principle, but it may be possible to sufficiently screen this from the road to avoid any undue visual impact'*. The Inspector concludes that *'the proposal would provide three additional dwellings on an unused site in a sustainable location which would have social and economic benefits for the town. However, it has not been demonstrated that the site can satisfactorily accommodate three dwellings, even with a revised layout, and the appeal should therefore be dismissed'*. To my mind the Inspector is suggesting the site cannot accommodate three dwellings and should be reduced to two to provide a satisfactory layout.
- 2.6 Following the appeal decision the applicant submitted a further application (19/01259), again for three dwellings, in an attempt to address the Inspectors reasons for refusal.
- 2.7 Application 19/01259 was refused under delegated powers and the officer report states the following regarding the proposed layout in relation to the parking arrangement and the visual impact of the flank wall of plot 3 on the setting of the conservation area:
- 2.8 *'It is noted that the pair of semi-detached dwellings have been oriented in line with the Inspector's advice [Plot 1 and 2]. Having regard for the prevailing pattern of development in the area, it is considered that the proposed cul de sac parking pattern would detract from the character of the area. It is acknowledged that the Planning Inspector was of the opinion that if this arrangement could be sufficiently concealed, it may prevent an unacceptable visual impact. However, having reviewed the detailed*

site plan and given the site-specific constraints particularly visibility splays, it is not felt that such a layout could be justified in this prominent location or could be sufficiently concealed to prevent the undesired visual impact'.

- 2.9 The Officer report continues '*the side elevation of plot 3 would be 'clearly visible from the Conservation Area'. This same characteristic was cited by the Inspector as a criticism which led him to conclude that the development would cause unacceptable harm to the character and appearance of the area and the setting of the Conservation Area'.*
- 2.10 The current application has sought to overcome the previous reasons for refusal by reducing the number of dwellings to two, removing the cul-de-sac parking arrangement and replacing this with a small parking court in the eastern part of the site which would be screened by a native boundary hedge.
- 2.11 By reducing the number of dwellings, the proposed development is moved approx. 7.5m further away from the eastern boundary of the site and the setting of the conservation area which was one of the key areas of concern with the previously refused scheme. In addition, the cul-de-sac parking arrangement has been omitted and the proposed parking would be located adjacent the railway suitably screened which would successfully overcome the other reason for refusal.
- 2.12 However, the current layout still needs to be assessed in terms of the impact on the setting of the Conservation Area and prevailing pattern of development in the surrounding area.
- 2.13 No objections are raised to the orientation / layout of the dwellings which would provide an active frontage onto the street scene and the proposed drawings demonstrate an appropriate standard of design which would add to the character of the area in accordance with the aims and objectives of the NPPF. In addition, the ridge heights have been reduced and the roof form has been changed to a simple hipped roof with natural slate tiles which would be sympathetic to the character of the area in accordance with paragraph 130 of the NPPF. The inclusion of chimneys and a decorative brick course at eaves level would add a traditional feel to the dwellings which would be complemented by the more contemporary recessed grey fenestration and two-storey pitched roof front gable additions to create a traditional dwelling with a contemporary feel. In addition, the development would be a similar scale to the neighbouring two-storey houses and the reduction in height and introduction of hipped roofs has reduced the scale and massing to ensure the proposal sits comfortably within the streetscape. In addition, the dwellings would be set back a small distance from the pedestrian footpath which would be in keeping with the character of the surrounding area. No visual impact objections are raised regarding the location of the vehicle access between the two houses, which would appear as a typical private access drive which is characteristic of new residential development and a common feature in the area.
- 2.14 As stated above, the proposed development has been moved further away from the eastern boundary adjacent the conservation area compared to the previously refused scheme. As a result, it is considered that the proposal would not be viewed as a significantly prominent form of development from within the Conservation Area and the proposed layout would reflect the linear pattern of residential development to the northeast (nos. 3-13 Woodnesborough Road) on the opposite side of the railway line. In addition, the reduction in height and inclusion of hipped roofs would reduce the scale and massing of the development when viewed from the Conservation Area. Further, replacement tree planting in the garden of plot 2 would also soften the visual impact of the flank wall from views within the Conservation Area. On balance it is

considered that the increased separation distance from the Conservation Area boundary, reduced height and introduction of hipped roofs, has overcome the previous concerns in this regard and the proposed dwellings, in particular the flank wall of plot 2, would not appear unacceptably prominent or dominant when viewed from within the nearby conservation area.

- 2.15 The proposed parking court is considered to have the greatest visual impact on the setting of the Conservation Area. The initial scheme proposed a boundary wall around the parking area to screen this element of the development. However, the Council's Heritage Officer advised that *a boundary wall would form a hard feature contrary to the character of the area which has previously been identified as an important aspect of the view out of the conservation area*. The Conservation Officer concluded that the only harm (which was considered to be at the lower end of less than substantial harm) would be the appearance of the harsh boundary wall on the setting of the Conservation Area and the overall benefits of two new dwellings could potentially outweigh this harm. Following negotiations with the agent the boundary wall has been replaced by a native hedgerow which would provide a softer visual impact on the setting of the Conservation Area and would also screen the parking area from outside the site. The omission of the boundary wall has successfully overcome the Heritage Officer's concerns and the proposal is therefore considered to preserve the setting of the Conservation Area subject to securing appropriate native hedgerow planting by a condition.
- 2.16 It is also relevant to note the Heritage Officer's comments regarding the location of the site and its relationship with the Conservation Area. In this regard the Heritage Officer notes *that the boundary for the Conservation Area ends on the town side of the railway line. The railway creates a definite demarcation and results in the site having a stronger visual link to the part of Woodnesborough Road outside the Conservation Area than within the Conservation Area*.
- 2.17 In summary, it is considered that the reduced two dwelling scheme and reorientation of the housing plots, reduction in height, change in roof form and altered parking arrangement has suitably overcome the previous reasons for refusal and the proposal would respect the character of the area and preserve the setting conservation area in accordance with Section 16 of the NPPF and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Highway Safety

- 2.18 The previous application was also refused on highways safety grounds and the inability to provide acceptable visibility splays. The current application is supported by a Highway Technical Note assessing the visibility splays at the proposed access which have been determined by speed surveys.
- 2.19 KCC Highways have reviewed the supporting highway information and do not raise any objections in terms of highways safety and the proposed visibility splays for the vehicle access are deemed to be safe. In addition, the submitted plans demonstrate that there is sufficient on-site turning to allow vehicles to enter the site safely in forward gear. In conclusion, the previous highway safety reason for refusal has been overcome.
- 2.20 Four on-site parking spaces are proposed (two for each unit) which would be in accordance with policy DM13. The proposal does not provide any on-site visitor parking, however this approach is considered to be appropriate due to the number of dwellings proposed and edge of town location.

- 2.21 Cycle parking is proposed in the gardens of each property and can be secured by condition. Refuse storage is proposed to the side of each dwelling and would be in proximity to the road for weekly refuse collection. The storage area would be discreetly located behind a brick wall to ensure the refuse bins are not visible in the streetscape.
- 2.22 A strip of land along the northeast section of the site has been set aside for a future pedestrian route connection to Jubilee Road in accordance with Local Plan 2002 policy TR10. The policies map shows the route running through the application site, firstly parallel with the railway line, and the turning south towards Jubilee Road, through the Phoenix Centre grounds. A condition can be attached to ensure that the pedestrian route can be secured through the site in the future in accordance with policy TR10.

Trees

- 2.23 Several objections have been raised regarding the loss of the TPO Scots Pine within the site. It is noted that the previous application 19/01259 also proposed the removal of the Scots Pine and the Officers Report concludes that the loss of the tree is considered acceptable. In addition, it has long been established under the previous applications and accompanying tree reports that the condition of the tree is relatively poor and there is not much merit in retaining the tree. In respect to planning application 17/00454 the Planning Inspector at paragraph 9 states, *'the condition of the tree is relatively poor and a replacement tree in a new position may be acceptable'*.
- 2.24 The Council's arborist has assessed the quality of the tree and reviewed the previous conclusions made by the Council and Inspector with respect to the removal of the tree and advises that its removal would be acceptable subject to the planting of a replacement tree. A replacement tree is proposed on the submitted plans and can be secured by condition. Given the proximity of the site to the railway, Network Rail place a restriction on the height of trees to ensure there is no risk to the railway. In this instance a crab apple tree is proposed and the maximum height of this type of tree would comply with the requirements of Network Rail.
- 2.25 During the course of the application a TPO application has been submitted regarding a Cedar tree located in a residential garden of 4 Woodnesborough Road adjacent the site. The TPO application has not yet been determined, however the Council's arborist has confirmed that the RPA of this tree would need to be protected during the construction phase and has advised that the tree could be suitably protected by an appropriately worded condition stipulating the construction method of the drive and by providing the location of on-site construction storage/parking outside the RPA in a construction management plan which could be secured by condition.

Residential Amenity

- 2.26 Loss of neighbour amenity also formed a reason for refusal under the last application. Namely the overbearing impact of the dwellings located towards the western boundary of the site closest to 4 Woodnesborough Road. In this regard the Officer Reports cites the following reasons for refusal relating to neighbouring amenity impact:
- 2.27 *With regards to the overbearing impact, given the proximity (5.7m from the dividing boundary and approximately 10m from the private amenity area beyond its outbuilding immediately to the rear of no.4) and scale of the semi-detached pair i.e. the combined width and height of the semi-detached pair, it is considered that the*

proposal would result in an unacceptable sense of enclosure to the neighbouring occupiers of no.4. By virtue of the orientation of the site, it is not considered that overshadowing or loss of light would occur from the proposal.

- 2.28 The current scheme proposes one detached dwelling rather than a semi-detached pair previously proposed in this part of the site. The amount / width of the development adjacent the shared boundary has therefore reduced by approx. 4m. In addition, the two-storey element of Plot 1 would be located further away from the shared boundary at approximately 8m. On balance, it is considered that the increased separation distance from the shared boundary and reduction in the number of dwellings has overcome the previous reason for refusal. As such the proposal would not result in any unacceptable overbearing impacts or a sense of enclosure to the adjoining property. In addition, the location of garden outbuildings at 4 Woodnesborough Road adjacent to the shared boundary would limit the impact of the proposed development on the private garden area of the adjoining property.
- 2.29 In terms of loss of privacy application 19/01259 proposed high level first floor rear windows to safeguard the amenity of 4 Woodnesborough Road. The Officer report for 19/01259 provides the following assessment in terms of privacy:
- 2.30 *The finished dwellings (Plots 1 & 2) would lie at a distance of approximately 5.7m from the dividing boundary with no.4. It is noted that the windows to the first floor rear elevations serving bedrooms are proposed to be high level windows to prevent overlooking, however it is considered that there would be a degree of perception of overlooking that would persist. However, on balance, it is not considered that the harm from the perception of overlooking would be so severe to warrant a refusal on this basis*
- 2.31 As set out above the separation distance between the shared boundary would increase to approx. 8m for Plot 1 and the first floor rear windows would be high level or obscure glazed to safeguard neighbour amenity and prevent overlooking towards the shared boundary in a similar manner to the previous application. As such no objections are raised with regard to loss of privacy or a perception of overlooking.

Living Standards

- 2.32 The internal room sizes and overall floor area for the proposed dwellings would be in accordance with the national described space standards. An acceptable standard of living accommodation is therefore proposed. The dwellings would have appropriately sized private rear/side gardens which are considered to be an acceptable size for a three bedroom family dwelling.

Other Matters

- 2.33 Several objections have been raised regarding the redevelopment of the site and loss of the green infrastructure within. The loss of the TPO has been assessed above and the principle of the redevelopment of this site, and subsequent loss of the sites green character, has not been cited as a reason for refusal previously, including by the Inspector during the appeal. As such, this is not considered to warrant a reason for objection / refusal under the current application. In addition, the site is located within a sustainable urban area and the principle of residential development is considered acceptable and the landscape quality of the site does not provide any significant visual amenity value that would preclude the redevelopment of this sustainably located site.

- 2.34 Ecological enhancements such as bird / bat bricks can be incorporated into the proposed development and an appropriate condition would secure replacement tree planting and hedgerow boundary planting.

Appropriate Assessment

- 2.35 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.
- 2.36 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.
- 2.37 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.
- 2.38 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.
- 2.39 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.
- 2.40 Having had regard to the proposed mitigation measures, were the application to be considered acceptable, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

Drainage

- 2.41 A formal application to Southern Water would be required for a foul water connection for this site. With regard to surface water, Southern Water have advised that there are no public drains in proximity to the site therefore further details regarding surface water drainage will need to be secured by condition to ensure appropriate drainage is provided. Surface water drainage will also need to comply with current building regulation standards.

3. Conclusion

- 3.1 The development complies with sustainability objectives of the NPPF, it is within the built confines and is acceptable in terms of its design, appearance, location and all other respects, subject to the appropriate conditions. In addition, as set out above it

is considered that the previous reasons for refusal have been successfully overcome and the proposal would preserve the setting of the conservation and would reflect the linear pattern of residential development to the northeast of the site. As such, the proposal would comply with Paragraphs 130 and Section 16 of the NPPF and policy DM1 and DM13 of the CS and is recommended for approval.

gf) **Recommendation**

- I. Approve planning permission, subject to the following conditions:
 1. Time limit
 2. Approved Plans
 3. Archaeology works
 4. Materials samples
 5. Window details – recesses
 6. Obscure glazing first floor rear windows
 7. No additional windows in the rear elevation at first floor level
 8. Retention of parking spaces
 9. Electric charging
 10. Cycle parking and Bin storage retention
 11. Use of bound surface for the first 5 metres of the access
 12. Replacement tree planting
 13. RPA protection and driveway construction
 14. Retention of land for cycle route in accordance with policy TR10
 15. Foul and surface water drainage details

- II. Powers to be delegated to the Head of Planning 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

Andrew Jolly