

a) **DOV/21/01760 – Erection of a detached dwelling with electric charging point and associated parking - 17 Church Street, Walmer**

Reason for Report: Number contrary views (19)

b) **Summary of Recommendation**

Planning Permission be GRANTED

c) **Planning Policy and Guidance**

Dover District Core Strategy (2010)

DM1, DM13

Regulation 18 draft Dover District Local Plan

The consultation draft of the Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process (early), 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.

National Planning Policy Framework (2021) (NPPF)

Paragraphs 2, 7, 8, 11, 130, 189-208

Kent Design Guide (2006)

National Design Guide and Code (2021)

Section 72(1) of Planning (Listed Buildings and Conservation Area) Act 1990

Nationally Described Space Standards (2015)

d) **Relevant Planning History**

06/01406 - Erection of detached 3no. bedroom dwelling and construction of vehicular access – Refused – Appeal APP/X220/A/07/203865 - Dismissed

17/00955 - Erection of a first floor side extension and front lower roof changed to pitched - Granted

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

Walmer Town Council – Object

Southern Water – no objections raised – information provided for the applicant.

Kent Fire and Rescue - Access to the proposed development is along a narrow gated path, via a communal driveway, off of 17 Church Street. In the event of an emergency, this would result in an extended hose laying distance from a suitably parked fire appliance from the communal driveway, along the path to the furthest point in the development.

Third-Party Representations - A total of 19 individuals have raised objections to the proposal summarised as follows:

- No parking provision and pressure on parking in an already congested area

- Impact on conservation area
- Impact on nearby historic buildings
- Flooding risk
- Impact on highways
- Impact on trees
- Loss of vegetation
- No need for property in the area

In addition, 15 comments were received in support of the proposal:

- Lack of affordable homes
- No impact on neighbouring properties
- Consideration has been given to conservation area and sustainability
- Building on an existing plot is better than green site
- Contributes positively to street scene
- Limited views of property

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

1.1 The application relates to land to the southeast of 17 Church Street, which is located to the southwest of Church Street, set within the Upper Walmer Conservation Area (CA) and within the settlement confines. The site is bounded by 17 Church Street to the northwest, 13 Church Street to the southeast and Chapter House to the southwest. Opposite the site is Wingrove House and 22 Church Street, both of which are Grade II listed.

1.2 The application is for the erection of a single storey, 2no. bedroom dwellinghouse. The dwellinghouse would be orientated northeast to southwest, and would have a shallow pitched roof, white painted timber frame windows and a timber front door. The proposal also includes the creation of a parking space, a cycle storage area and allocated recycling/ refuse storage area

1.3 Amendments were sought to include side hung timber casement windows and a timber door, due to the location within the Upper Walmer Conservation Area. Confirmation was sought by the agent that previous issues raised under appeal reference APP/X220/A/07/203865. This was provided in an additional report.

**2. Main Issues**

2.1 The main issues for consideration are considered to be:

- The principle of the development
- Impact on conservation area and visual amenity
- Residential amenity
- Highway Safety

**Assessment**

**The Principle of Development**

2.2 The site is located within the settlement confines and the development therefore accords with Policy DM1, subject to impact on visual and residential amenity and other material considerations.

### Impact on Conservation Area and Visual Amenity

- 2.3 The NPPF states that planning decisions should ensure that developments 'will function well and add to the overall quality of the area', be 'visually attractive as a result of good architecture, layout and appropriate and effective landscaping', be 'sympathetic to local character and history' and 'establish or maintain a strong sense of place' (paragraph 130). Furthermore, paragraphs 201 and 202 require that regard must be had for whether development would cause harm to any heritage asset (both designated and non-designated), whether that harm would be substantial or less than substantial and whether, if harm is identified, there is sufficient weight in favour of the development (public benefits) to outweigh that harm. Regard must also be had for Section 72(1) of Planning (Listed Buildings and Conservation Area) Act 1990 which states that, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 2.4 The application site sits within the Upper Walmer Conservation Area (CA). The general finish of the buildings are brick or render, with timber framed windows. Whilst there is some variety in the street, the context is of similar proportioned buildings set within a regular historic street pattern on the opposite side of Church Street. The properties to the southeast of Church Street are detached/ semi-detached and differ in size and scale. The external finish of the proposed dwellinghouse is brick, with a low-pitched slate roof and white painted timber framed windows which would be a side hung casement design. The front door would be a traditional style timber frame with glazed panels. The design of the property is sensitive to the conservation area and will not result in a property that is out of keeping within the street scene.
- 2.5 The existing wall and hedgerow which sit along the northeast boundary of the site would be retained, this would largely obscure views of the proposed dwellinghouse. It is therefore considered that it would not result in a visually intrusive addition to the street scene.
- 2.6 For the above reasons, the development is considered to be acceptable in this location and is not visually inappropriate to its context. It is therefore considered to preserve the character and appearance of the conservation area and street scene in accordance with paragraphs 130,189-208 of the NPPF.

### Residential Amenity

- 2.7 The main windows on the proposed dwellinghouse face northwest, towards the proposed 1.8 metre high fence separating the existing garden of 17 Church Street. There is one window on the southeast elevation which serves a bathroom and would be obscured glazing. Therefore there will be no impact on privacy to neighbouring properties. Due to the location of the proposed dwelling and its relationship to neighbouring properties, there will be no overshadowing as a result of the proposal.
- 2.8 In respect of the residential amenity of the future occupiers of the dwellinghouse, the rooms meet the Nationally Described Space Standards (NDSS) and would have access to a large garden space. It is therefore considered that the proposed occupiers would have a good standard of amenity in line with Paragraph 130 of the NPPF.

### Highway Safety

- 2.9 Policy DM13 sets out that dwellings of this size, in this location should provide one parking space. As one parking space has been provided, together with a turning space, the development would accord with Policy DM13.

#### Other Considerations

- 2.10 A number of objections make reference to the site being in an area prone to flooding. The site does not sit within a Flood Zone.
- 2.11 A number of objections make reference to a Yew Tree being impacted by the proposals. TPO/07/00016 sits to the north of the proposed dwelling. The tree, nor its roots would be impacted by the proposed dwellinghouse.

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

- 2.12 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. 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.
- 2.13 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 dogwalking, 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. 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.
- 2.14 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 will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

### **3. Conclusion**

- 3.1 The proposed dwelling, due to its design and appearance, would not be out of keeping with the immediate character and appearance of the conservation area or the surrounding area. There would be no harm to residential amenity or highway safety. Consequently, the proposals would not conflict with the overarching aims

and objectives of the NPPF and it is recommended that planning permission should be granted.

**g) Recommendation**

I Planning permission be GRANTED, subject to the imposition of the following conditions:

- (1) 3-year time limit for commencement
- (2) compliance with approved plans
- (3) Details condition for CA joinery
- (4) Cycle and bin storage implemented before first occupation
- (5) EV Charging point
- (6) Hedgerow to be retained
- (7) Deal foul drainage safeguarding condition

II Powers be delegated to the Head of Planning and Development to settle any necessary issues in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Amber Tonkin