

- a) **DOV/22/00837 - Installation of 2 rooflights to rear roof slope and 1 side window to facilitate loft conversion; installation of 1 rooflight to rear projection and door to western side elevation and alterations to windows on rear elevation - 1 North Road, Kingsdown**

Reason for report – Number of contrary views (29)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM13

Draft Dover District Local Plan: The 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 (Regulation 19), the policies of the draft are afforded moderate weight and could materially affect the assessment of this application: PM1, HE1

Kent Downs Area of Outstanding Natural Beauty Management Plan 2021- 2026

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 130, 199-202

National Design Guide & National Model Design Code (2021)

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

- d) **Relevant Planning History**

No relevant planning history.

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

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

Ringwould Parish Council – The PC object to the original development taking place and say the following:

North Road has had a number of unsuitable extensions applied for, and North Road is, or was, a development of fishermans' cottages for people to live and work close to the beach. DDC have, by placing an Article 4 and giving the area a conservation status, think this is worth preserving. Having such a large dormer, and side windows to facilitate using the loft does not sit well with Members. While the proposed development is highlighted as not being seen from the front of the property, it will be seen from the South Road and other adjacent areas. Members stated that should any of the proposed parts of the development be allowed it would like to see a condition that the property is used for living accommodation only, and not for any holiday or commercial use.

No comments have been received related to the amended scheme.

DDC Heritage – When initially consulted, the dormer window, side porch roof, adjacent window and external insulation formed part of the application and it was requested that these elements be removed from the scheme. These amendments were made. Upon re-consultation, it is concluded that the 2no. rear facing roof lights would result in the lower end of less-than-substantial harm which could be mitigated through the submission of further details. The other aspects remaining of the proposal were not considered to result in harm.

Third party Representations: 28no. Representations of objection have been received and are summarised below:

- The proposal would result in harm to residential amenity and harm to the visual amenity of the area.
- These homes have been successfully remodelled in the past without altering the historic character of the cottages.
- Increased population in the house will potentially cause a noise nuisance.
- The proposal would increase parking pressure.
- Potential for increased commercial use of the building as a holiday let.
- Proposed west facing window likely to result in loss of amenity to Rising Sun Public House (manager's flat).
- Enlarged window on rear elevation would increase overlooking and a loss of privacy to gardens/dwellings in South Road.
- Concerns raised that the proposed dormer window would result in harm to both visual amenity, the character and appearance of the conservation area and to residential amenity.
- Concerns that the lane to the west of the site would be used for parking. Ownership of this lane is in question.

The comments received regarding the proposed dormer window, which formed the majority of comments received, have been overcome as this aspect of the original proposal has been removed from the scheme.

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

- 1.1 The application site is a two storey, former fisherman's cottage, forming the western end of a terrace of matching dwellings. It is located near the junction of North Road and Cliffe Road, behind the Rising Sun Public House and has a shared lane to the western side. It is located within the Kingsdown Conservation Area which is covered by an Article 4(2) direction (restricting certain works which would be visible from the public domain). These cottages are rendered with slate roofs and have a simple form (formerly '2-up-2-down' in plan form until rear extensions were added to accommodate additional facilities). The area is highly uniform in its presentation and retains its historic appearance in general.
- 1.2 The original proposal initially included a rear dormer window, side porch roof, adjacent window and external insulation. Following officer concerns, these elements were removed from the proposal.
- 1.3 The proposal now seeks the installation of 3no. conservation-style, flush-fitting roof lights (2no. in the rear roof slope of the main roof and 1no. in the east-facing roof slope of the rear extension), the enlargement of existing windows on the rear (south-facing) elevation of the rear extension, the insertion of a new door on the western elevation and the insertion of a window in the gable of the west-facing

elevation. The 2no. south facing roof lights and the window in the western gable end would serve a new bedroom within the existing loft space. The 1no. east facing roof light would be high level above the existing east facing window, within a ‘vaulted’ space within the rear extension. The side door would provide additional access to the dwelling at the base of the staircase. There would be no increase in the number of bedrooms as a result of the development.

2. Main Issues

2.1 The main issues for consideration are:

- The principle of the development
- Impact on the character and appearance of the Conservation Area
- Impact on residential amenity

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. The application site is within the confines of Kingsdown and as such, the proposal would comply with policy DM1 of the Core Strategy (2010).

Impact on the Character and Appearance of Conservation Area

2.3 The primary concerns with this proposal are the impact the proposal could have on the existing street scene and on the character and appearance of the Kingsdown Conservation Area. Whilst the rear-facing (south) roof lights would be visible in some public views, these views would be minor and with the use of conservation style roof lights with a central glazing bar that would sit flush within the roofslope, would be unlikely to result in any harm to the visual amenity of the street scene or to the character and appearance of the conservation area. The proposed east facing roof lights would not be readily visible in any public views.

2.4 The enlarged rear windows at first floor level of the rear extension would be visible in views from the lane to the west side of the application site and possibly in limited views from South Road. Whilst this would represent a change to this rear elevation, it has been designed to be in keeping with the host dwelling and is not so large as to appear incongruous or to result in visual harm to the host dwelling.

2.5 The proposed west facing window in the gable end of the host dwelling serving the existing loft space would be visible in some views from North Road as well as potentially from Cliffe Road. Whilst this is not a typical feature of these dwellings, given the limited views, a direct visual comparison to other end of terraces within the area is not possible. Regardless, it is not unusual for this form of fenestration in end of terrace dwellings and given its modest scale, would not be overly prominent in the street scene or the conservation area. The proposed side door would be visible in only very local views and would not likely result in any harm to the visual amenity of the street scene or to the conservation area.

- 2.6 It is noted that the works in totality would represent the lower end of less-than-substantial harm to the character and appearance of the conservation area. Whilst development resulting in less-than-substantial harm would generally require a public benefit to be approved, the harm is of such a minor nature that it is considered unnecessary to seek such a public benefit for the works beyond ensuring the provision of modern and appropriate housing in the area. A condition is included for details of the conservation style, flush-fit roof lights be submitted prior to the works taking place which is a reasonable approach in my view.
- 2.7 Given the above, it is considered that the proposal would not result in harm to the visual amenity of the area or to the character and appearance of the conservation area and would comply with paragraphs 130 and 199-202 of the National Planning Policy Framework (2021).

Impact on Residential Amenity

- 2.8 There are three aspects of the amended proposal which could result in some concern with regard to the potential impact on existing residential amenities.
- 2.9 Firstly, the proposed enlarged first floor window in the south elevation of the rear extension could increase the opportunity for overlooking or loss of privacy to the rear gardens and dwellings in South Road. Whilst only an enlargement of an existing window, it currently serves a bathroom, a non-habitable space, and it is proposed to serve a bedroom which would likely, therefore, allow for a greater outlook. However, this window would largely face the blank rear wall of the existing extension to the rear of No.1 South Road. It is not considered that this enlarged window would result in any unacceptable harm to existing residential amenities through interlooking, overlooking or unacceptable loss of privacy. The enlargement of the ground floor windows on the same elevation, given the boundary treatments and existing vegetation, would not result in any amenity harm.
- 2.10 The proposed window in the west facing gable end to serve the loft space/proposed third bedroom, whilst small, could be seen to result in some level of harm to the amenity of the Rising Sun Public House. Whilst this is not a dwelling and therefore not afforded protection in the same way that a dwelling is, this proposed window could result in interlooking to the manager's flat's bedroom window. Given this and given the small size of this proposed window, it is considered reasonable to require this window to be obscure glazed and non-opening to protect amenity.
- 2.11 The proposed south facing roof lights (2no.) appear to be well above the proposed internal finished floor level, however, given they would increase the opportunity of overlooking and interlooking should they be lower, it is considered reasonable to ensure they have a minimum sill height of 1.7m. The proposed roof light on the east facing roof slope would be high level and not result in any increased opportunity for overlooking, interlooking or loss of privacy to any neighbour. Given the above, it is considered that the proposal would not result in any unacceptable harm to existing residential amenities which cannot be overcome through conditions and would therefore comply with paragraph 130(f) of the National Planning Policy Framework.

2.12 Impact on Parking/Highways

Many of the representations received raised concerns about the disputed ownership of the lane to the west side of the application site. Land ownership is not a planning matter nor is parking on private roads something that the local planning authority can control. There is adequate on-street parking for the area and the increase in size of the host dwelling by one bedroom would not necessitate the inclusion of additional parking provision. Very few dwellings in this part of Kingsdown have off-street parking provision. The proposal would comply with policy DM13 of the Core Strategy.

Impact on Flood Risk

- 2.13 Part of the application site is within Flood Zone 2 albeit this is a small section of the garden and does not encompass the host dwelling. Given that there are no proposed extensions or enlargements of the host dwelling proposed, there would be no increase in impermeable surfaces requiring any flood mitigation measures or additional SuDS to prevent the displacement of flood waters.

Other Matters

- 2.14 A number of comments were made about this being a commercial enterprise for use as a holiday let/Air B&B, and requested conditions be added to preclude this. However, neither of these uses require planning approval and that it is not resulting in additional extensions or further development of the site nor is the current application for a change of use of the whole host building and site. Conditions cannot be imposed on the existing building beyond the works encompassed by this application as they wouldn't meet the tests for imposing planning conditions. As such, the use of this property as a single-family dwelling only cannot be secured through the planning process and would not be reasonable nor appropriate.

3. Conclusion

- 3.1 The proposed works would not result in any harm to the visual amenity of the street scene nor any substantial harm to the character and appearance of the conservation area. The proposal, with the suggested conditions, would also not result in any unacceptable levels of harm to existing residential amenities. Given this, the proposal would comply with paragraphs 130 and 199-202 of the National Planning Policy Framework (2021) and to policy DM1 of the Core Strategy (2010).

g)

Recommendation

- I PERMISSION BE GRANTED subject to conditions:
- 1) Time limit
 - 2) Plans
 - 3) Joinery details of all new windows, doors and roof lights.
 - 4) Window in west facing gable end at second floor level to be obscure glazed and fixed shut.
 - 5) Roof lights in rear (south facing) roof slope to have sill height of 1.7m internally.

- 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 Wallace