

a) **DOV/22/01466 - Erection of a detached dwelling (part retrospective) - Sunnymeade, Nelson Park Road, St Margaret's-at-Cliffe**

Reason for referral: Number of contrary views (9)

b) **Summary of Recommendation**

Planning permission be granted subject to conditions

c) **Planning Policy and Guidance**

Planning and Compulsory Purchase Act 2004

Section 38(6) – requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

Countryside and Rights of Way Act 2000

Development Plan

The statutory development plan comprises:

- Core Strategy (2010) (“the Core Strategy”)
- Land Allocations Local Plan (2015)
- Saved Policies of the Local Plan (2002)

Relevant Core Strategy policies include : CP1, DM1, DM8, DM15 and DM16

Other Material Considerations

Draft Dover District Local Plan

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. This sets out planning policies and proposals for new development in the District over the period from 2020 to 2040 and when adopted will replace the existing development plan. At this stage in the plan making process (Regulation 19) the policies of the draft can be afforded some weight, but this depends on the nature of objections and consistency with the NPPF.

Policies of the emerging Local Plan relevant to this application include:

SP1; SP13; SP14; PM1; PM2; NE1; and NE2

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

National Planning Policy Framework (NPPF) (2021):

The most relevant paragraphs 7, 8, 11, 12, 130, 174, 176,180

Kent Design Guide (2005)

National Design Guide & National Model Design Code (2021)

d) **Relevant Planning History**

DOV/20/01563 – Erection of two storey side extension, single storey rear extension, porch canopy, first floor roof extension with 2 no. dormer windows and 5 no. rooflights, flue to side extension, balconies with glass balustrades to front and side elevations alterations to doors/windows, external cladding, erection of rear retaining wall and extension to side path (existing porch, side facade, rear retaining wall and shed to be demolished)
Approved 12.11.2021

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

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

Town/Parish Council – objects and considers the proposal incongruous in the street scene and the AONB. Considers the proposal to be apparently illegal.

Southern Water - notes:

- The Building Control team would need to be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.
- The Environment Agency should be consulted directly by the applicant regarding the use of a cess pit.
- Any sewer found to be crossing the site during construction works should be investigated to establish its ownership.

KCC Archaeology - no response received. Under the previous application it was noted: "The site lies within an area of multi-period archaeological interest. However, I consider it unlikely that the proposed works adjacent to the existing dwelling will have a significant archaeological impact and have no further comments to make in this case."

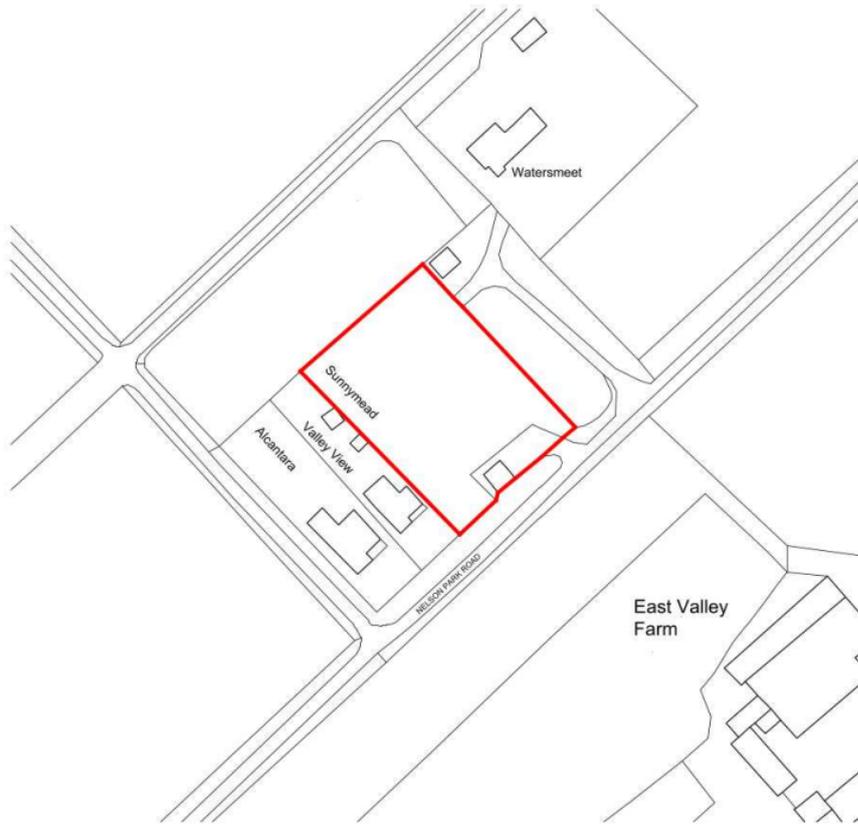
Third Party Representations -

8 letters of objection have been received, raising the following concerns:

- House will be out of keeping in the rural area and AONB due to the size
- Object to demolition and rebuild approach rather than construction of approved extension
- Use of dwelling as a holiday home
- Overlooking from balcony
- Comments have also been made about the procedures taken by the applicant, (which are considered misleading and inaccurate), to achieve a new dwelling at the site.
- Objections to general changes with new development introduced throughout the village.

f) **1. The Site**

1.1 The application site lies on the northwest side of Nelson Park Road, outside of the settlement confines of St Margaret's and within the Kent Downs Area of Outstanding Natural Beauty (AONB). Until recently it was occupied by a detached property known as Sunnymede with associated parking area. It is understood that the dwelling was situated at the northern end of a row of three bungalows of differing size and design. The adjacent bungalow to the south west is known as Valley View with another dwelling known as Alcantara positioned beyond. The plot occupied by Sunnymede is noticeably wider than that of the adjoining bungalows, although of the same depth.



LOCATION PLAN - AS EXISTING



Figure 1 - Application Site





Figures 2 and 3 - Photos of the Site

The Proposal

- 1.2 Members may recall that application DOV/20/01563 was considered at the Planning Committee meeting of 11.11.2021 where it was described as:

“Erection of two storey side extension, single storey rear extension, porch canopy, first floor roof extension with 2no. dormer windows and 5no. rooflights, flue to side extension, balconies with glass balustrades to front and side elevations, alterations to doors/windows, external cladding, erection of rear retaining wall and extension to side path (existing porch, side facade, rear retaining wall and shed to be demolished) (amended drawings received)”

- 1.3 The proposals were found to be acceptable by Committee members and the application was approved subject to a condition stating that there no openings shall be constructed in the south western elevations of the dwelling, other than as shown on the submitted plans.
- 1.4 The current application was submitted following an enquiry to the Planning Enforcement team regarding the demolition of the bungalow known as Sunnymead. The applicants were advised that the previous application had been advertised for extensions/alterations etc to the original dwelling and that the construction of a replacement dwelling constituted fresh operational development and would require a further planning application.
- 1.5 The current application is to erect a replacement dwelling which it is stated would be identical in resulting built form to the original property, had it been enlarged with

the additions approved under DOV/20/01563. The dwelling would be sited with the front elevation along the same building line as Valley View. It would be of slightly greater depth and would have a resulting larger footprint than that of Valley View. A retaining wall is shown to the rear of the dwelling with steps leading up into the garden. A terrace and balcony are shown on the north eastern side. The application is described as part retrospective as demolition works have now taken place, at the applicants own risk.

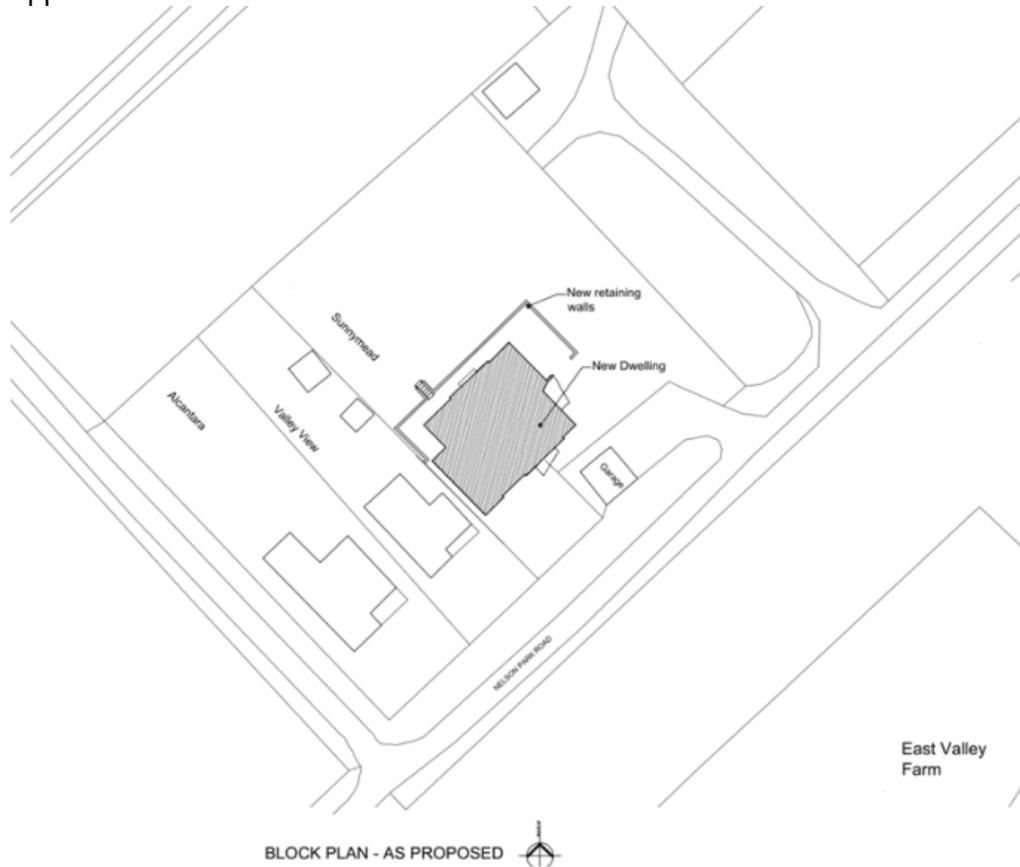


Figure 3 - Block Plan As Proposed



SITE SECTION A-A / REAR ELEVATION - AS PROPOSED



REVISIONS

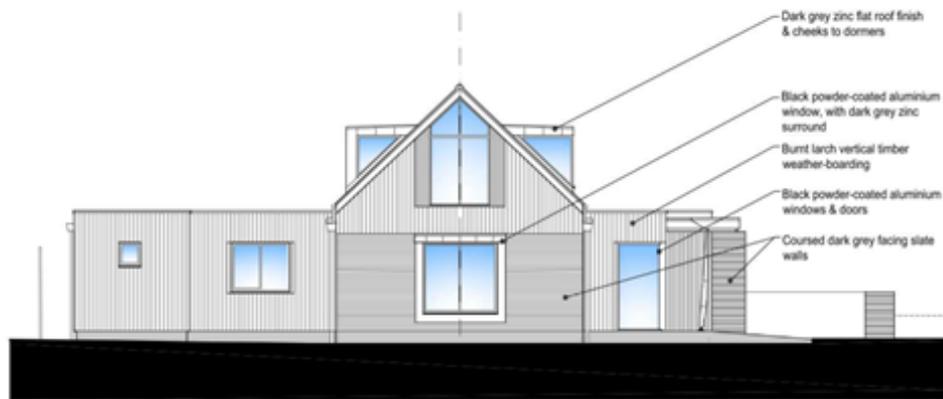
PLANNING ISSUE



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Project
 PROPOSED NEW DWELLING -
 SUNNYWOOD, MELSON PARK ROAD, ST. MARGARETS-AT-CLIFF,
 DOVER, KENT. CT15 8HD.



SITE SECTION D-D / FRONT ELEVATION -
AS PROPOSED



Figures 4 and 5 - Elevations

2. Main Issues

2.1 The main issues for consideration are:

- The principle of the development
- Impact on AONB and visual amenity of the area
- Impact on residential amenity
- Highway 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 site is located outside of the settlement confines of St Margaret's and for the purposes of planning lies within the countryside. Policy DM8 concerning replacement dwellings is now relevant. This policy outlines various considerations and states that replacement dwellings will only be permitted if the existing dwelling is a permanent structure in lawful residential use, capable of continued residential use and of no architectural or historic value. The replacement structure should be:
- a) acceptable in terms of flood risk,
 - b) appropriate in scale, siting and site coverage compared to the original
 - c) appropriate in style, form and use of materials and
 - d) would not harm the character of the countryside.
- 2.4 The application relates to a site where until recently there was a legal permanent dwelling with planning permission for extensions and various alterations that was capable of continued residential use. There are no implications in terms of flood risk for this site. The other aspects of policy DM8 are considered below.

Impact on the Character and Appearance of the AONB and Visual Amenity of the Area

- 2.5 It is important that the statutory duty prescribed by Section 85 of the Countryside and Rights of Way Act 2000 is fully recognised. This requires that in exercising or performing any functions in relation to, or so as to affect, land in an AONB, a relevant authority shall have regard to the purpose of conserving or enhancing the natural beauty of the AONB. 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). The NPPF (para 174) requires that planning decisions should contribute to and enhance the natural a local environment by (inter alia) protecting and enhancing valued landscapes. In this case the application site is located within the Kent Downs Area of Outstanding Natural Beauty (AONB), which the NPPF (para 176) identifies as having the highest status of protection with 'great weight' required to be given to conserving and enhancing the landscape and scenic beauty of these areas.
- 2.6 Under application DOV/20/01563 it was recognised that:
- "This part of St Margaret's comprises a mix of grazing fields and undeveloped countryside with scattered residential properties. Nearby is East Valley Farm located to the southwest of the site which consists of a variety of building finishes, including flint and dark grey slate with dark window frames. Further to the southwest, but visible from the application site, is a development of contemporary design, with white rendered walls and dark grey slate and grey cladding. There is little architectural uniformity within the immediate context of the three bungalows."
- 2.7 The assessment of DOV/20/01563 noted that the proposed dwelling would have a front gable reflecting a similar feature at Alcantara and would have a comparable ridge height. The flat roofed sections were considered to be a more challenging introduction but it was noted that they helped to limit the overall mass of the dwelling and limiting the visual impact on Valley View and the character of the area generally. It was noted that there are two other dwellings of contemporary design which include flat and mono pitched roofs. Under the previous application it was concluded on

balance that the use of flat roofed elements was not unacceptable in the wider landscape context.

- 2.8 It was recognised that the proportions of the windows in the row of properties also varied. The application for the extensions sought to provide generous glazing which typically has tall or perpendicular proportions to assist in breaking up the elevations and respond to the more traditional proportions of Valley View. The most notable change was the use of dark materials, with facing slate and charred larch elevations and a slate roof. This would contrast with the lighter brickwork of its immediate neighbours which are finished in different bricks. Whilst different materials would be used it was concluded that the darker colours would serve to reduce the visual prominence of the building when viewed against the backdrop of the rising land levels and vegetation.
- 2.9 The drawings submitted with the current application show the replacement dwelling being the same in all respects (resulting footprint, location, design and height) as the scheme for extensions approved under the previous application DOV/20/01563. The proposed dwelling would again comprise a pitched roof section in the centre with flat roofed dormers either side finished in dark grey zinc to the roof and cheeks. The single storey side extensions would be finished with burnt larch vertical timber weather boarding and coursed dark grey facing slate walls. The windows and doors would be finished with black powder coated aluminium windows and doors. All materials shown are the same as those approved under application DOV/20/1563.
- 2.10 For the above reasons, the current development is considered to be acceptable in this location and is not visually inappropriate to its context. It has been recognised that it would have limited impact on the visual amenity of the area and is in accordance with paragraph 130 of the NPPF. In reaching this conclusion, regard has been had to the purpose of conserving or enhancing the natural beauty of the AONB, which has been afforded great weight, whilst regard has also been had for the Section 85 of the Countryside and Rights of Way Act 2000.

Impact on Residential Amenity

- 2.11 Paragraph 130 (f) of the National Planning Policy Framework sets out planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
- 2.12 The nearest property to the application site is Valley View, located to the southwest of the site. This property sits at a similar ground level to the application site. The proposed development would be of the same form as the approved extension, where it was recognised that the development would not result in any overshadowing to the neighbouring property due to the direction of the sun path. The proposed southwestern side elevation adjacent to Valley View, would not contain any windows and would therefore not result in any loss of privacy. A condition can again be added to prevent any additional openings in the southwest elevation.
- 2.13 The ridge height of the original property was approximately 0.8 metres below Valley View and the proposed ridge height would sit at 1.23 metres above Valley View. This slight increase in ridge height would not have an overbearing impact on the living environment within and the residential amenities of Valley View that would be sufficient such as to justify a reason for refusal. The balcony and terrace areas are again shown on the north eastern side of the dwelling so would not result in loss of amenity to the properties on the south western side of the plot.

Highway Issues

- 2.14 The application site and other dwellings adjacent are reached via an unmade road. The submitted drawing shows the covered parking structure at the front of the site as being retained in line with the previous application. The vehicle access to the site and parking manoeuvring areas are shown as being retained. The proposal does not raise any particular highway issues, given that it relates to the replacement of a dwelling.

Ecology

- 2.15 The application relates to a previously developed residential plot. The location of the proposed dwelling would be in line with the previous dwelling and as a result protected species are not likely to be present at the site.

Habitats Regulations (2017) Regulation 63: Appropriate Assessment

- 2.16 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.
- 2.17 Given that this proposal relates to a replacement dwelling it is considered that a contribution towards the Council's Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required.

Other Matters

- 2.18 The comments of the neighbours and Parish Council about the impact of the proposal and the process followed by the applicant have been given careful consideration. The use of the property as a holiday home would be a private concern. The drainage and cess pit tank issues raised by Southern Water can be covered by an Informative.
- 2.19 In many cases with applications for replacement dwellings the existing house is not demolished until after such time as planning permission has been granted for a suitable replacement. In this instance the original property has recently been demolished and the applicants were advised as soon as it was brought to the attention of the department, that an application to erect a replacement dwelling would be required.
- 2.20 The applicants agent has commented on the recent planning history for the site and whether the approved application was for enlargement or a new building. He states that the submitted plans for DOV/20/01563 showed that only the left hand flank wall was to be retained, although the description of the development on the application form was clearly for extensions and alterations. It is not possible to comment on the applicants intention and the application has therefore been considered having regard to the recent and relevant planning history.

3. Conclusion

- 3.1 The replacement dwelling would be of the same footprint, proportions and design of the original dwelling had it been enlarged in accordance with the approved additions/alterations shown under application DOV/20/01563. As there have been

no material changes in the circumstances at the site (with the exception of the demolition of Sunnymeade) it is concluded that the replacement dwelling would have no adverse impact on visual amenity and would not detract from the character or appearance of the surrounding countryside and AONB.

- 3.2 The proposed replacement dwelling would therefore be in accordance with the requirements of policy DM8 concerning replacement dwellings in the countryside and the aims of policies DM15 and DM16 (protection of the countryside and landscape character). Consequently, the proposals would not conflict with the overarching aims and objectives of the development plan or the NPPF and it is recommended that planning permission should be approved.

g)

Recommendation

- I PERMISSION BE GRANTED subject to the following conditions:
- 1) Standard time limit
 - 2) Plans
 - 3) Slab level details
 - 4) Samples of materials
 - 5) Removal of PD (no openings shall be constructed in the southwest elevations)
- 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

Hilary Johnson