

- a) **DOV/22/01289 – Erection of two detached dwellings with enlargement of existing access and associated hard and soft landscaping (existing dwelling to be demolished) – 1 and 2 St Margaret’s Road, St Margaret’s Bay, Dover**

Reason for report – Number of contrary views (6)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM11, DM13, DM16

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 (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. Paragraphs SP1, SP2, SP4, CC2, PM1, PM2, TI1, TI3, NE1, NE2, HE1 and HE2

National Planning Policy Framework (NPPF) (2021): Paragraphs 2, 7, 8, 11, 110-112, 124, 130, 167, 174 and 180

National Design Guide and Code (2021)

- d) **Planning History**

DOV/19/01489 – Erection of 3 dwellings (existing dwellings demolished) – Refused – Appeal Dismissed

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

DDC Ecology – There is potential for impacts to bats, reptiles, nesting birds and hedgehogs as a result of the development and detailed approaches to avoiding and mitigating for these impacts must be secured by condition.

A reptile receptor site is proposed to ensure that reptiles can be protected from harm and to safeguard their habitat for the long-term. The submission and implementation of an ecological design strategy for the reptile receptor site and for other proposed habitat measures and biodiversity enhancements, is secured by condition. To ensure the appropriate long-term management of the reptile receptor site, the applicant proposes that a management company will have responsibility for implementing the habitat management measures within this area. The submission and implementation of a habitat management and monitoring plan must be secured by condition.

The applicant has submitted biodiversity net gain (BNG) proposals with an aim to achieve 10% net gain on the site. Given the current status with the legislation and local plan policy the details of the BNG can be secured by condition. Expectation is that the details secured in conditions will be undertaken to good practice standards. BNG is secured and for the habitat management and monitoring plan. Should specify 10% BNG in the condition wording put forward by the applicant. To minimise the potential for lighting impacts on bats, the submission and implementation of a bat-sensitive lighting strategy must be secured by condition.

DDC Heritage – Comments provided in the heritage section of the report.

KCC PROW – No objections.

St Margaret's Parish Council – No objections, provided the adjacent enhancement land is preserved.

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

Public Representations: 6 letters of objection and 1 letter of support have been received. The objections have been summarised below:

- Building has historical importance to the village, particularly linking it to the WWII era. The building has charm and character and deserves to be preserved and maintained in conservation area.
- The loss of the building would be a significant loss to conservation area.
- As a bungalow it maintains uninterrupted views across the AONB and the channel. A two storey development would block and interrupt views.
- The site is a significant gateway site and therefore requires a sympathetic development which the proposal is not.
- The site is opposite Madge Field which is a significant space with views, the proposal will detract from this space.
- Most houses in the surrounding area have generous gardens. The proposal is for two houses on one small plot and would be cramped.
- The proposal is not sustainable as demolition has an associated carbon cost.
- The proposed vehicular access would be hazardous.
- Affordable housing is required locally, not expensive houses that are beyond the reach of local residents.

The letters of support raise the following points:

- The plot has been neglected for several years.
- The proposal is simple, clean and appropriate to the scale of the site.

St Margaret's Bay Conservation Association – Objects loss of non-designated heritage asset.

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

- 1.1 The application relates to a roughly rectangular parcel of land containing 1 & 2 St Margarets Road and land to the rear of the original curtilage of this property. The site is prominently located on the corner of St Margaret's Road and Bay Hill on the descent to St Margaret's Bay and the land level of the site falls towards the east. The front portion of the site containing 1 & 2 St Margaret's Road falls within the settlement confines, with the land to the rear located outside the settlement confines. The site is located within the St Margaret's Bay Conservation Area, and the Grade II Listed Coastguard Cottages is located to the rear (east) of the application site. To the north of the site is the landscaped public open space Memorial Ground.
- 1.2 The application site and the adjacent Memorial Ground provide an open, landscaped character to this part of St Margaret's at the top of the hill before the descent to St Margaret's Bay. Long views of the AONB and English Channel beyond are visible across the site through the existing landscaping from this vantage point. The site is visible in turn from long views from this part of the AONB to the east of built development, adjacent to the sea. Opposite the site to

the west is the early 20th century 3 storey telephone exchange building. The south of the site is characterised by large, detached dwellings set in generous plots of varied styles and designs set along St Margaret's Road. The site location plan is provided in Figure 1.

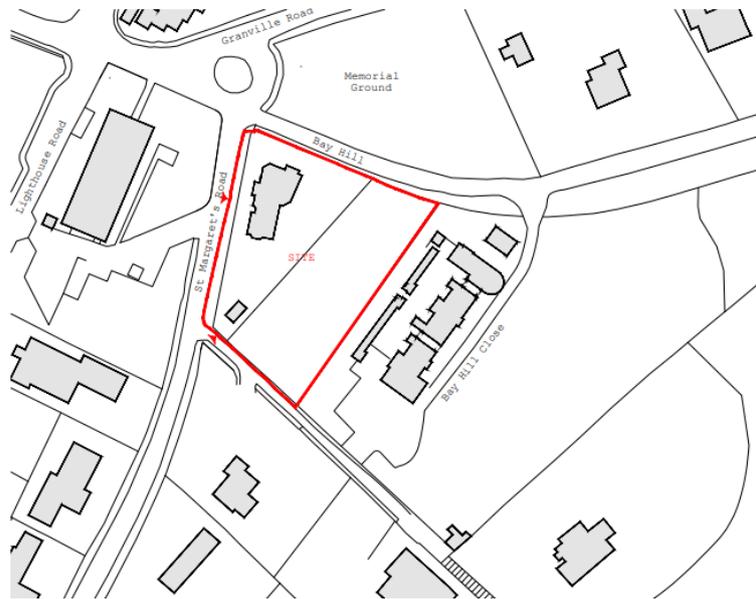


Figure 1: Site Location Plan

- 1.3 The application site comprises two distinct sections; 1 & 2 St Margaret's Road and its original curtilage and the land to the rear of this original curtilage, to the rear boundary of Coastguard Cottages. 1&2 St Margaret's Road is an early 20th century unassuming detached bungalow which has been divided internally into 2 dwellings set on a moderate roughly triangular plot and bounded by a historic brick wall to the eastern rear boundary, with mature hedgerows/landscaping to the northern and western boundaries. The historic brick wall demarked the original curtilage of the Grade II Listed Coastguard Cottages, which was historically used as allotments, and now separated from Coastguard Cottages by a chain linked fence, within the ownership of 1&2 St Margarets Road. This land is visually separated and has an open, informal, verdant appearance and character, containing predominantly semi-informal grassland. The application site contains established vegetation to its perimeter and mature trees which provide high amenity value and contribute to the character and quality of this part of St Margaret's and the conservation area. This includes the prominent beech tree located on the corner of the junction of St Margaret's Road/Bay Hill which together with the mature, established hedgerows to the north and west is considered to form a key landscape feature of the site.
- 1.4 A former application for the erection of 3 two storey detached dwellings was refused and dismissed at appeal on this site - reference DOV/19/01489. The current application seeks to respond and overcome the former reasons for refusal and dismissed appeal. It is put forward that the proposal works with and relates to the characteristics of the application site and local area and would provide a sympathetic and high quality development which has been informed by the key outcomes of the refusal.
- 1.5 The application proposes the erection of 2 part two and single storey detached dwellings following the demolition of the existing building. The proposal retains

the distinct parts of the site and the historic brick boundary wall. The proposed dwellings will be located in the front portion of the site, within the original curtilage of the existing bungalow with their immediate private amenity space and driveway/landscaping. The remainder of the site to the east of the existing boundary wall will be retained as a separate, informal landscaped/meadow area to maintain its existing visual distinction and character. This will include a separate reptile receptor area which will be managed separately to the garden meadow area for the dwellings. The proposal seeks to retain the majority of the existing vegetation/hedgerow and trees and proposes further landscaping enhancements, particularly to the hedgerow and soft landscaping to the northern and western boundaries of the site. The proposed layout of the front portion of the site is provided in Figure 2 below. The layout of the whole site is provided in the extract of the landscape strategy in Figure 3.

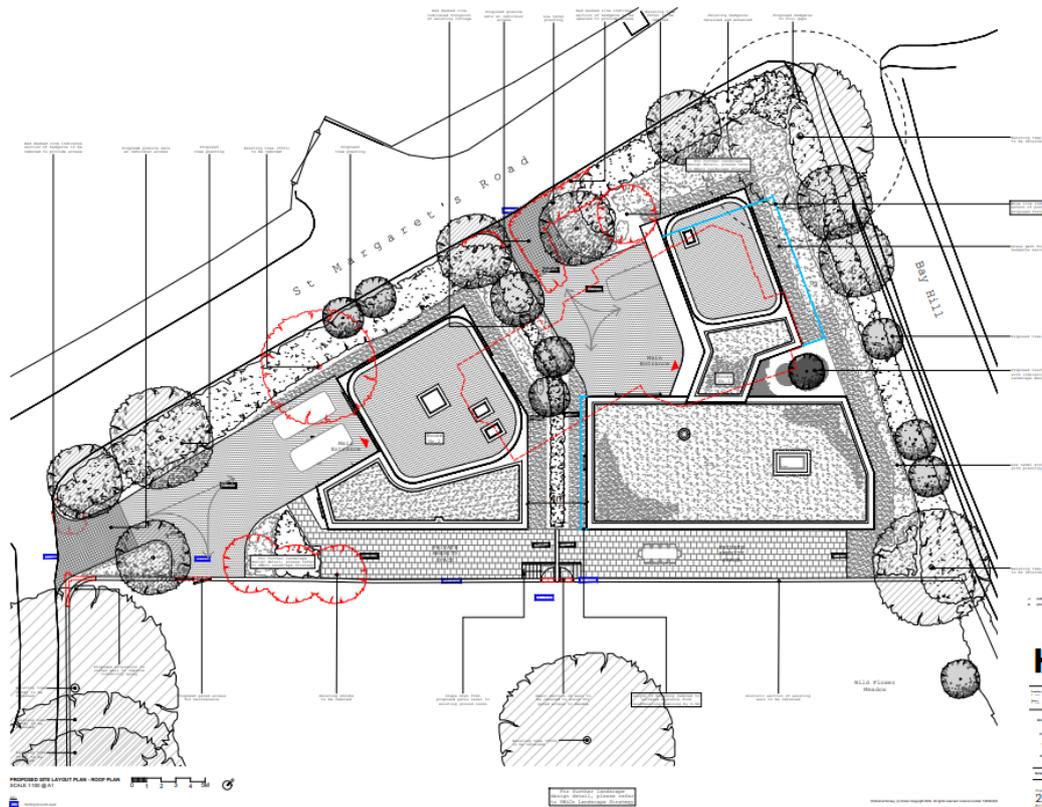


Figure 2: Proposed site layout (front portion)

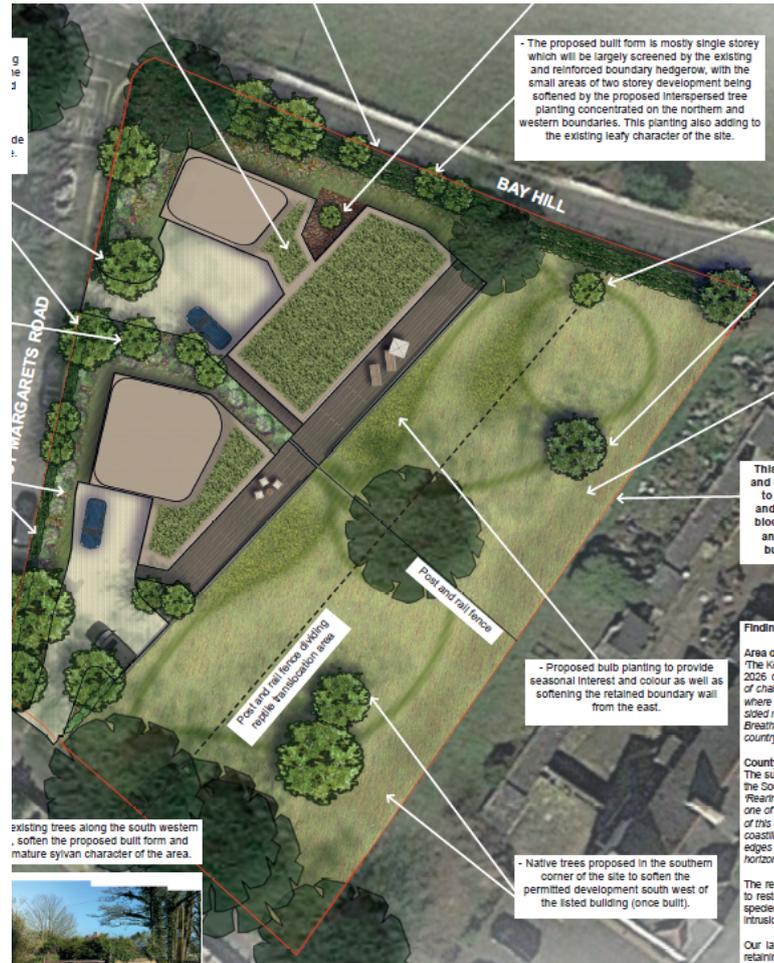


Figure 3: Proposed wider site layout

- 1.6 The proposal has been revised during the application in response to concerns raised. Dwelling 1 (to the north of the site) has been reduced in scale, predominantly to the front two storey projection, which has been positioned further from the Beech tree at the front corner of the site. This two storey element has also been revised to include a first floor window to the western front elevation. The revised scheme has also increased the size of the reptile receptor area so that it is now roughly two thirds of the size of the retained informal landscaped/meadow area to the rear of the brick wall, in response to ecology requirements.
- 1.7 The proposed dwellings comprise a modern design with an irregular shape and built form, containing curved, sculptural first floor elements to the front of the dwellings and single storey elements to the rear. The dwellings will be set under a flat green roof to the single storey elements and finished in a light, brick slip/pebble clad finish to the ground floor and timber cladding to the first floor. The elevations of the proposal are provided in Figure 4.

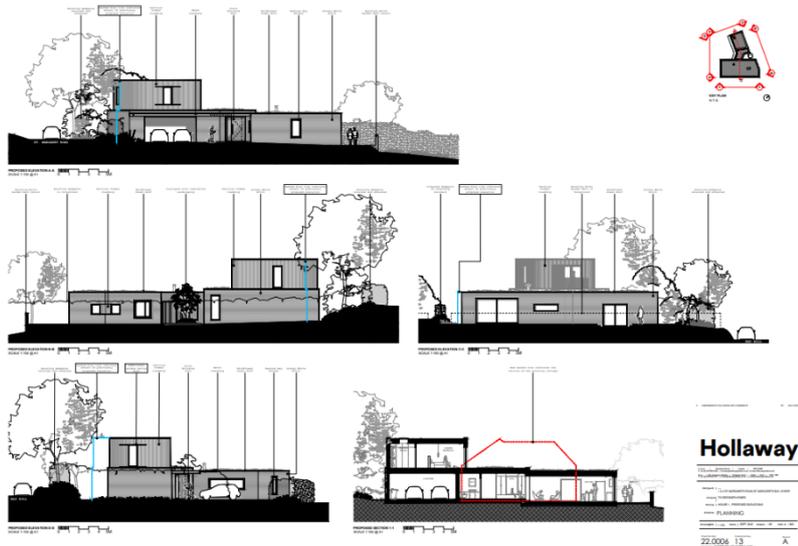


Figure 4.1: Elevations of Dwelling 1

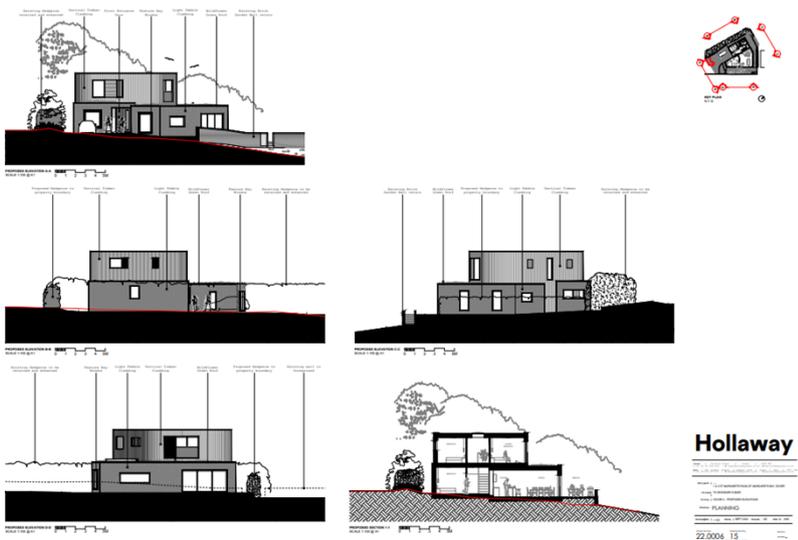


Figure 4.2: Elevations of Dwelling 2

1.8 The application is supported by a D&A which incorporates the comments of an independent design review, a planning statement, a preliminary ecological and arboricultural assessment, a landscape visual assessment and a heritage impact assessment. The revised scheme is supported by an arboricultural statement and additional ecological information.

2. Main Issues

2.1 The main issues for consideration are:

- Principle of the development
- Impact on visual amenity
- Impact on designated heritage assets

- Impact on residential amenity
- Highway issues
- Ecology

Assessment

Principle of Development

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan unless material considerations indicate otherwise.
- 2.3 The front portion of the site (original curtilage of 1 & 2 St Margaret's Road) lies within the village confines of St Margaret's. Policy CP1 seeks to direct the location and scale of development in compliance with the settlement hierarchy, with villages identified as suitable for a scale of development that would reinforce its role as a provider of services to its community. Policy DM1 permits development within the settlement boundaries. Draft Policy DM4 relates to windfall residential development and permits residential development of a scale that is commensurate with the existing settlement within or immediately adjoining the settlement boundaries of St Margaret's. The NPPF seeks to direct development towards sustainable locations.
- 2.4 The proposed development proposes 2 replacement dwellings for the existing 2 dwellings. The built development will be located within the original curtilage within the settlement confines. The area beyond the confines is proposed to be part informal landscaped garden area and part reptile receptor area and will not contain built development. Given the location of the developed area within the confines and the wider site area immediately adjoining the confines, together with the proposal for replacement dwellings, it is considered to be compatible with the CS and Draft Local Plan policies and the aims and objectives of the NPPF. The development is therefore considered to be acceptable in principle, subject to the assessment of all other material planning considerations.

Visual and Landscape Impact

- 2.5 The site is prominently located in the village on the approach to St Margaret's Bay and currently contains a relatively modest, unassuming early 20th century bungalow which has been converted into two dwellings. The application site and immediate area has a largely open character with views towards the bay and sea beyond, with established trees and hedgerows and associated amenity value. As established through the appeal decision, the existing modest, low key form of development at the site sits comfortably within this part of the conservation area. The site has intervisibility through to and from the AONB adjacent to the settlement and the English Channel to the south of the site.
- 2.6 The Inspector identified key public views of the site being from Granville Road; the Memorial Ground; along St Margaret's Road looking north east toward the appeal site; and north from Bay Hill, where the existing dwellings are visible above the existing boundary vegetation. The dismissed appeal considered that the former application would result in an overly large and visually dominant form of development when viewed in the context of the existing low key residential development, which would be readily apparent in public views for the surrounding area.

- 2.7 Policy DM16 relates to landscape character and seeks to avoid development that would result in harm to the character of the landscape. Draft Policy NE2 requires proposals demonstrate particular regard to the defined landscape character area and have regard to the purpose of conserving and enhancing the natural beauty of the Kent Downs AONB. Policy PM1 requires all development to achieve a high quality of design, which promotes sustainability and fosters a positive sense of place.
- 2.8 The proposal has sought to overcome the former appeal decision and proposes a reduced number of dwellings (2) with a reduced, predominantly single storey built form to the dwellings and compact first floor elements. These sit within the parameters of the original building, to the front portion of the site and works with the existing layout and character of the site. A landscape visual assessment considers and assesses the identified key views of the site and the proposal.
- 2.9 The majority of the built form would be single storey, set under a flat roof. The proposed dwellings comprise an irregular shape, with a broken up footprint and form which would minimise their prominence and visibility to a degree. The proposal incorporates a first floor element to each dwelling, which would be located towards the front (west) of the dwellings. These first floor elements are relatively compact in scale, again set under a flat roof, incorporate a curved shape and timber clad finish which would soften their appearance and relate to the vegetation and verdant character of the surroundings. The development responds to the changing land levels and prominence of the different parts of the site, with the single storey elements located to the rear (east) and to a greater proportion of dwelling 1, adjacent to the prominent northern boundary. The first floor element to dwelling 1, located to the north east corner of the site is most prominent and has been reduced in scale and is distinctly smaller than the first floor element to dwelling 2. This element has been positioned further from T03 on the corner of the site which would provide suitable clearance to this important tree, minimising future management pressures and aid the safeguarding of its amenity value, whilst providing screening to this element of the proposal.
- 2.10 The proposal would maintain the existing established hedgerow/vegetation to the perimeter of the site except for the enlargement of the existing pedestrian opening to the western boundary to provide a vehicular access to dwelling 1. It is proposed to retain the majority of trees on site and further landscaping and ecological enhancement measures are proposed. This includes further tree planting to reinforce the existing hedgerow to the north and western boundaries, particularly to the northern corner of the site. The retained and enhanced hedgerow/vegetation/trees would screen and limit the visibility the development to a meaningful degree, particularly the single storey elements. The proposed first floor elements would have visibility above the hedgerow and landscaping, however, these are relatively compact in scale and have been designed to soften and minimise their prominence, with the first floor closest to the northern corner of a compact scale. These first floor elements would also not be significantly larger than the roof of the existing bungalow, which given their position, form, design, together with the presence landscaping, particularly to the north, are not considered to be unduly prominent or result in an unacceptably imposing development. An illustrative visual of the key view from the public open space is provided in Figure 5, and proposed section plans are provided in Figure 6.

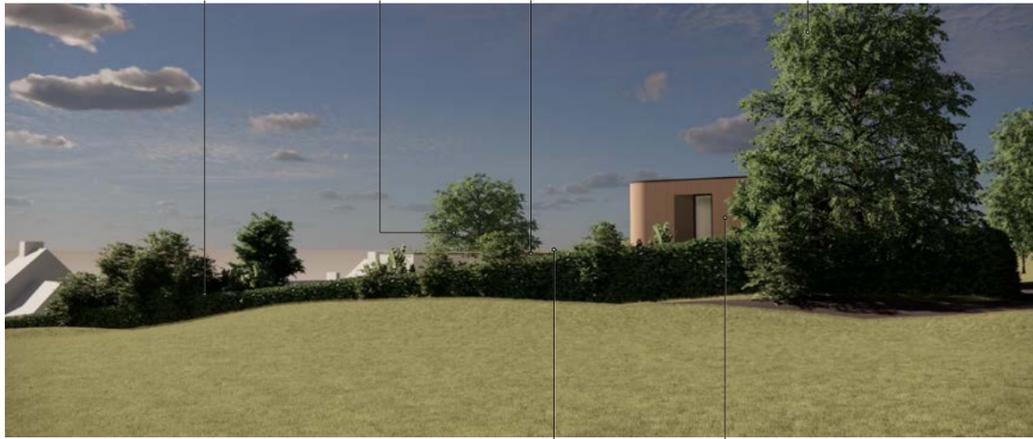


Figure 5: Visual of proposal from public open space

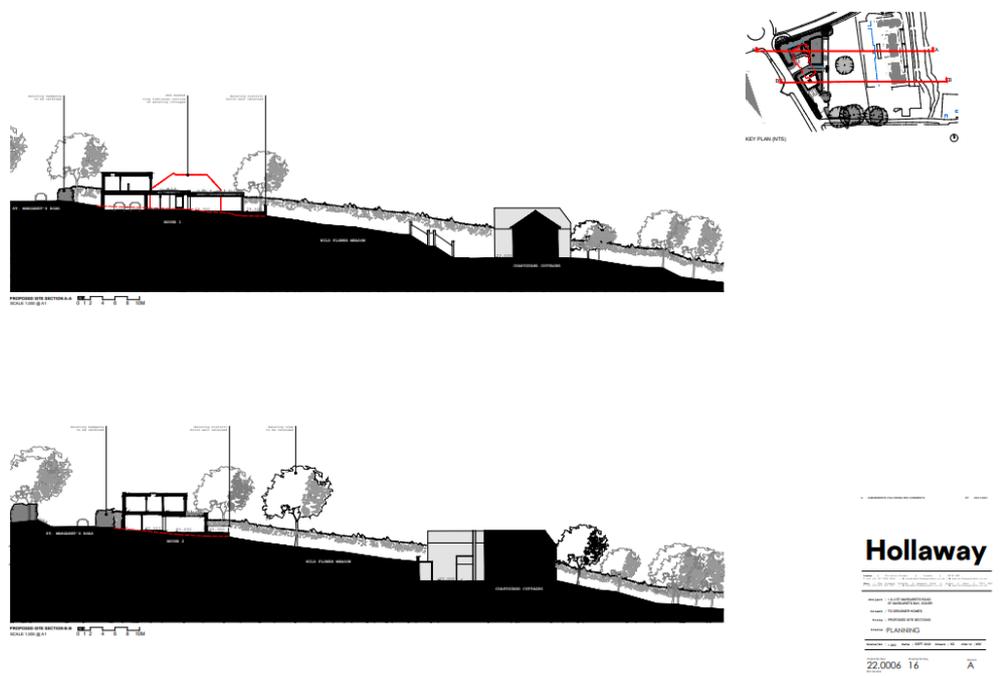


Figure 6: Proposed site sections

- 2.11 The retention of the distinct characteristics of the site would retain the spacious open, landscaped character which separates the existing property with the Grade II Listed Coastguard Cottages and would maintain the majority of important long views to the coastal path, AONB and channel beyond. This would also provide a setting for the proposed dwellings and the adjacent listed building and reference and reflect the historic layout of this part of St Margaret's. It is considered necessary that the proposal retains this distinct character and openness, and as such, applicable conditions restricting the construction of outbuildings and placement of structures in this area will be secured.
- 2.12 The proposal would result in a greater extent and concentration of built development to the front portion of the site, in comparison to the existing property and surrounding plots, and this built form would be apparent to varying extents from surrounding views. However, the proposal through its predominantly single storey form, design and layout and the retained and enhanced

hedgerow/landscaping to the perimeter would respond to the characteristics of the site, surrounding area and the changing land levels and would minimise the visibility of the development from key views. The retained open landscaped area would provide a setting to the built development which would be sufficiently reflective of surrounding plots, together with the green roofs and the meaningful vegetation/landscaping would soften the development in its environment and views. Through this, the development is not considered to result in an unduly cramped or out of keeping form of development within its context.

- 2.13 The dwellings will comprise an individual, modern design and utilise a light/natural colour palette and material finish. There are varied designs within the surrounding area and the proposal will be reflective of this, with the material finish in particular responding to the natural character of the application site and surroundings.
- 2.14 Overall, the proposal is considered to suitably respond to the characteristics, land levels and prominence of the site and wider environment. Whilst the proposal would be larger in built form and footprint than the existing, its scale, design, layout and landscaping is considered to sufficient to maintain the low key appearance and landscape characteristics of the existing site and integrates with the surrounding environment. Through this, the proposal is considered, on balance, to result in an acceptable impact on the visual amenities of the area, environment and views. In order to maintain this, given the constrained nature and the sensitivities of the locality, it is considered appropriate and necessary to remove permitted development rights by condition.

Heritage Impact

- 2.15 As the site is located adjacent to a grade II listed building, Coastguard Cottages and within the St Margaret's Bay Conservation Area there is a statutory duty under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting and Section 72(1) of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character and appearance of the area. The Council has recently (6th March 2023) adopted the St Margaret's Bay Conservation Area Character Appraisal and Management Plan, and this now forms a material consideration in planning decisions.
- 2.16 The Conservation Area Character Appraisal has identified the building which currently occupies the site as being a potential candidate for a local list. It does not seek to establish justification for this suggestion but rather notes that it could be assessed against the criteria set out in the appendices of the Land Allocation Local Plan. The application was registered prior to the public consultation of the draft appraisal and on recommendation of officers an addendum to the Heritage Statement has been submitted which seeks to address this point. The addendum has assessed the building to have insufficient heritage value such that it does not meet the criteria for local listing and cannot be considered a non-designated heritage asset. It states that demolition of the building does not constitute a loss and paragraph 203 of the NPPF, which requires the Local Planning Authority to take into account the significance of a non-designated heritage asset into account when determining development proposals, does not therefore apply. Nonetheless, the building is within the conservation area and the principal consideration is therefore its contribution to the character of the area.

- 2.17 The existing building is a single storey structure which dates to the early 20th Century. It sits modestly on the plot, tucked into the corner of the site adjacent to the junction of St Margaret's Road and Bay Hill. Consequently, visibility of the building is limited from St Margaret's Road where it has a limited presence in the streetscene. A view is afforded of the site from the memorial ground on Bay Hill and a key feature of interest is the garden to the south of the site which sits in the foreground. This space pays a significant contribution both to the established character of the conservation area and the setting of the adjacent listed building.
- 2.18 The Summary of Significance within the adopted Conservation Area Appraisal notes that a contributing factor to the interest of the conservation area is its architectural and spatial character. The built heritage is formed of late 19th and early 20th Century buildings set within a verdant landscape, a small number of these buildings are of considerable interest architecturally (the large villas in generous grounds), but in particular it is the larger number of less significant buildings of which the conservation area is composed and the green spaces between them which has the greatest influence on the character. The existing building on the site is of some interest in this respect but its contribution to the special interest of the wider conservation area is considered to be minimal; unlike the majority of other buildings in the conservation area where there is a group value, it sits in an isolated position with minimal relationship with other similar buildings. As a result, its demolition would have an impact on the conservation area at a discrete level and is not considered to have a significant negative impact on the established character of the wider conservation area.
- 2.19 As the proposed development would seek to retain the garden area to the south as open and undeveloped land, providing a significant gap between the proposed new development and the listed building, it is considered that the development would cause no harm to the setting of the listed building. Retention of this area as open space will also act as a visual buffer in respect of the contribution of the development site to the character of the conservation area as viewed from the public open space to Bay Hill. The development would result in a greater mass of built form, however the proposal seeks to limit the scale of the units to single storey at the rear with two storey elements adjacent to St Margaret's Road, similar in height to the existing building, and to mitigate the visual impact through the enhancement of the green boundary. As a result, and subject to a condition that prevents further development particularly within the retained open space to the south, it is considered that the proposed development causes no harm to the character or appearance of the conservation area.

Impact on Residential Amenity

- 2.20 Section (f) of Paragraph 130 of the NPPF identifies that development should ensure a high standard of amenity for existing and future users. Draft Policy PM2 requires development to be compatible with neighbouring buildings and spaces and not lead to unacceptable living conditions. The proposed dwellings will be located a considerable distance from adjacent neighbouring properties, which will prevent harm to residential amenity arising from their built form. Similarly, sufficient separation distance, together with the placement of openings will not result in harmful overlooking to adjacent neighbours.
- 2.21 In terms of the living conditions of the future occupiers, the proposed dwellings contain a comfortable internal layout and will exceed the applicable Nationally Described Space Standards. All primary habitable rooms are provided with sufficient light, outlook and ventilation. Each dwelling is provided with a patio area

and wider informally landscaped area which will provide sufficient external amenity space. Refuse and cycle storage will be located within the garage of dwelling 1 and the front portion of the site to dwelling 2 is considered capable of accommodating sufficient cycle and refuse storage. The proposal is therefore considered to provide an acceptable standard of amenity for existing adjacent neighbours and future occupants.

Highways

- 2.22 Dwelling 1 will be provided with 2 off street parking spaces and 2 spaces within the car port. Dwelling 2 will be provided with 2 parking spaces. This will provide sufficient parking provision for these 4-bedroom dwellings within this village location, in accordance with Policy DM13 and compatible with Draft Policy T13. Dwelling 2 will utilise and enlarge the existing vehicular access to the south west corner of the site, and Dwelling 1 will be served by the enlarged existing pedestrian access. These accesses will be provided with visibility splays with low level planting, which given the nature, speed limit and levels of vehicular activity on St Margaret's Road is considered to provide sufficient visibility to serve each single dwelling. The proposal is therefore considered to be acceptable with regards to highway safety and highway amenity.

Ecology/Biodiversity

- 2.23 Paragraph 174 of the NPPF requires proposals to protect and enhance sites of biodiversity or geological value, minimise impacts on and provide net gains for biodiversity. The application is supported by a Preliminary Ecological Appraisal, Reptile Survey Report and a Landscape Strategy Plan. The submitted PEA sets out that the site contains 0.25ha of modified grassland habitat, established scrub/vegetation, native hedgerow and trees. It is identified that there is potential for the proposal to impact upon bats. The Reptile Survey identifies that a low population of reptiles comprising slow worm and common lizards occupies the site and recommends mitigation measures to minimise impacts to reptiles. It is proposed that an area of land within the undeveloped grassland (the 'meadow area') beyond the historic wall to the rear of the site is retained for use as a reptile receptor area with habitat for reptiles, which are to be translocated. The proposal also proposes biodiversity enhancement measures such as new planting of native species, wildlife corridor creation, the provision of a green roof to the dwellings and bat and bird box provision which is detailed in the Landscape Strategy Plan. The submitted PEA sets out that the proposal will provide over 10% biodiversity net gain.
- 2.24 Further details and information were required to address concerns relating to the adequacy of the habitat assessment, the biodiversity assessment, survey constraints relating to bats, details of the reptile habitat assessment and construction impacts. In addition, the proposed reptile receptor area was considered to be insufficient to support the reptile population for the site, and it was requested that a greater proportion of the meadow area was provided and thereafter maintained for the purposes of a reptile receptor area, (which is distinct

- 3.1 The application site is located partially within and adjoining the settlement confines and proposes replacement dwellings, which are acceptable in principle. The application would involve the loss of the existing building, which would have some impact to the conservation area on a discrete level, however this is not considered to be unacceptable. The proposed development, whilst comprising a greater extent of built form is considered to suitably respond to the characteristics, changing land levels and prominence of the site in its immediate and wider environment, forming a suitably compatible development that integrates and relate to the surrounding environment. Through this, the proposal is considered to have an acceptable impact on the visual amenities of the area, the heritage, environment and views. The development is considered to be acceptable with regard to its impact upon residential amenity and highway safety and has provided sufficient information and measures relating to biodiversity and ecology, subject to further conditions. This includes a reptile receptor area to 2/3rds of the meadow area which will sufficiently mitigate the impact of the proposal on reptiles within the site. When considering the proposal, no adverse impacts of granting permission have been identified that would significantly and demonstrably outweigh the benefits of the proposal. The development is therefore considered to present sustainable development in accordance with Policies and the NPPF, and it is recommended for approval.

g) Recommendation

- I PLANNING PERMISSION BE GRANTED subject to the following conditions:
- 1) Standard time
 - 2) Approved plans
 - 3) Samples of materials
 - 4) Windows/doors aluminium framed set in reveals
 - 3) Landscaping
 - 4) Protection of trees
 - 5) Refuse and cycle storage
 - 6) Provision and retention of parking
 - 7) Visibility splays
 - 8) Removal of PD rights
 - 9) Area to east of wall maintained as landscaped meadow, with no structures
 - 10) Reptile receptor area provided and
 - 11) Biodiversity method statement
 - 12) Ecological design strategy
 - 13) Habitat management and monitoring plan
 - 14) Lighting design strategy for biodiversity
- II Powers be delegated to the Head of Planning and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee.

Case Officer

Jenny Suttle