

- a) **DOV/22/01707 – Erection of three dwellings with associated landscaping and parking (garages to be demolished) – Land between Minnis Terrace and 110 Hillside Road, Dover**

Reason for report – Number of contrary views (39)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

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

Draft Dover District Local Plan to 2040

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. Policies SP1, SP2, SP4, CC2, PM1, PM2, TI1, TI3, NE1, NE2 are of relevance.

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

National Design Guide & National Model Design Code (2021)

- d) **Planning History**

DOV/13/00538 – Erection of a detached building incorporating 3 flats – Refused

DOV/08/00415 - Erection of a terrace of 3 dwellings (existing garages to be demolished) – Refused

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

Consultations and representations can be found in the online planning file, a summary is provided below:

Environmental Health – The development is 30m or less from the railway line serving Dover to London routes which will likely cause some noise and disturbance to future residents of the development site. In order to mitigate any loss of amenity from noise and vibration, request a relevant condition which requires a noise and vibration survey to be undertaken, to include sound insulation levels, a vibration assessment and a scheme for anti-vibration treatment of foundations should it be necessary. Provided this condition is secured, EH would have no further comments.

KCC Highways – It would appear that the proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with current consultation protocol arrangements.

Network Rail – Due to the close proximity of the works to the railway, NR requests the applicant engages NR's Asset Protection and Optimisation team prior to works commencing. The applicant may be required to enter into an Asset Protection

Agreement. Request informatives are attached to the decision notice should consent be granted.

Dover Town Council – Object. This is over intensification of the street. Parking is already inadequate and the road is used by HGVs which will add more strain on existing issues.

Southern Water – Public combined sewer crosses the development site, which requires a clearance of 3m either side to protect it from construction works. In order to protect public sewers, Southern Water requests that a condition requiring the developer to agree measures to be taken to protect public sewers with Southern Water, prior to the commencement of development.

Third party Representations: 39 objections have been received and are summarised below:

- The proposal dwellings would be imposing and overbearing to adjacent neighbours given their scale and the topography of the area.
- The proposal would result in a loss of light and outlook to adjacent neighbours properties and gardens, particularly to those on Minnis Terrace.
- The proposal would result in a loss of privacy to the residents of Minnis Terrace.
- Hillside Road is a congested road with existing parking issues which is used for heavy goods vehicles and buses.
- The proposal would result in additional congestion and increase existing highway safety issues.
- The area to the front of the garages is used for the parking of vehicles which will be lost and displaced should permission be granted. There is insufficient parking proposed with the development, which coupled with the displaced existing parking will worsen existing parking issues.
- The proposed houses would not be in keeping with the existing area.
- The addition of an alleyway to the rear of Minnis Terrace could result in harm to their privacy and security.
- Concern regarding the impact of the proposal on DDC owned retaining wall to the rear of the gardens to Minnis Terrace.
- Concern Japanese Knotweed is present on the site and will need specialist removal and disposal.
- Concern regarding impact to nature/biodiversity.
- The proposed construction of the development would result in noise and disturbance impacts, which would particularly effect night shift workers.
- The existing and proposed street scene plan does not make it clear that the terrace of houses on Minnis Road are staggered, with their height reducing as the land level falls.
- Previous proposals on this site have been rejected, and this should be the case for this application.

15 representations in support of the proposals have been received and are summarised below:

- The proposed development will improve the appearance of this run down block of garages.
- The proposal will smarten up the area.
- The proposal is a good opportunity to transform a disused plot of land.
- The design of the proposal is sympathetic to the surrounding houses.
- We need more housing in the area, especially on brown field sites like this.

- Understand that the existing garages are empty and cars which park in front of the garages do not belong to the owners of the garages/land.
- Individuals' inability to park on land they do not own should not prevent permission being granted for the proposal.
- Cannot see how three houses with parking spaces would have a negative effect on the area.

The Dover Society – In our view the dwellings each have an off road parking space and the site lines on the plan indicate no significant overlooking. The building design is in keeping with the area. The site is currently derelict and in need of improvement. However we note that there are a large number of objections from local residents mainly on the grounds of parking and overlooking.

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

1.1 The application site is located on a residential road within the urban confines of Dover characterised by two and three storey (with the second floor at roof level served by dormers) predominantly period terraced dwellings. The gradient of the road falls from east to west. The application site contains a terrace of four garages, with undeveloped land with grass and vegetation to the rear which was previously overgrown and has been cleared relatively recently which is becoming re-established. To the east of the site is a terrace of more modern dwellings of a lower ridge height than the surrounding period dwellings. There is a large level change between the application site, and the adjacent terrace to the west, Minnis Terrace. The application site located on higher ground level than the terrace, alongside a level change within the site, with the land level falling steeply to the rear. The site location plan is provided in Figure 1:



Figure 1: Site Location Plan

1.2 This application follows two former refusals for residential development at this site. The main reasons for refusal were due to the built form of the development, its separation distance and relationship with the adjacent terrace to the west, given

the level change, resulting in an overbearing and enclosing form of development, design concerns with the schemes, and concerns with parking provision.

- 1.3 This application seeks to address and overcome the previous refusals and proposes the erection of a terrace of three dwellings with associated parking and landscaping, following the demolition of the existing garages. The proposed terraced dwellings will be three storeys high, appearing as two storeys to the front elevation with a basement/lower ground floor level and three storeys to the rear, built into the level change within the site. The dwellings contain a slight front overhang at first floor level, with the first floor served by a half dormer window, partially set within the roof and will be finished in red mix brickwork, silver grey Cedral cladding, artificial slate roof tiles and aluminium fenestration. The western unit, closest to the adjacent Minnis Terrace, is set under a hipped roof, with the remaining units set under gabled roofs. The terrace is stepped in response to the changing land levels, with a rear patio and stepped garden beyond. The frontage of the units contains 1No. off street parking bay per dwelling, separated by soft landscaped planting beds, with larger planting beds to each end of the terrace frontage. The layout of the proposed development in relation to the adjacent neighbours is provided in Figure 2. The elevation/section plans of the proposed development are provided in Figure 3.



Figure 2: Proposed Site Layout in relation to adjacent neighbours

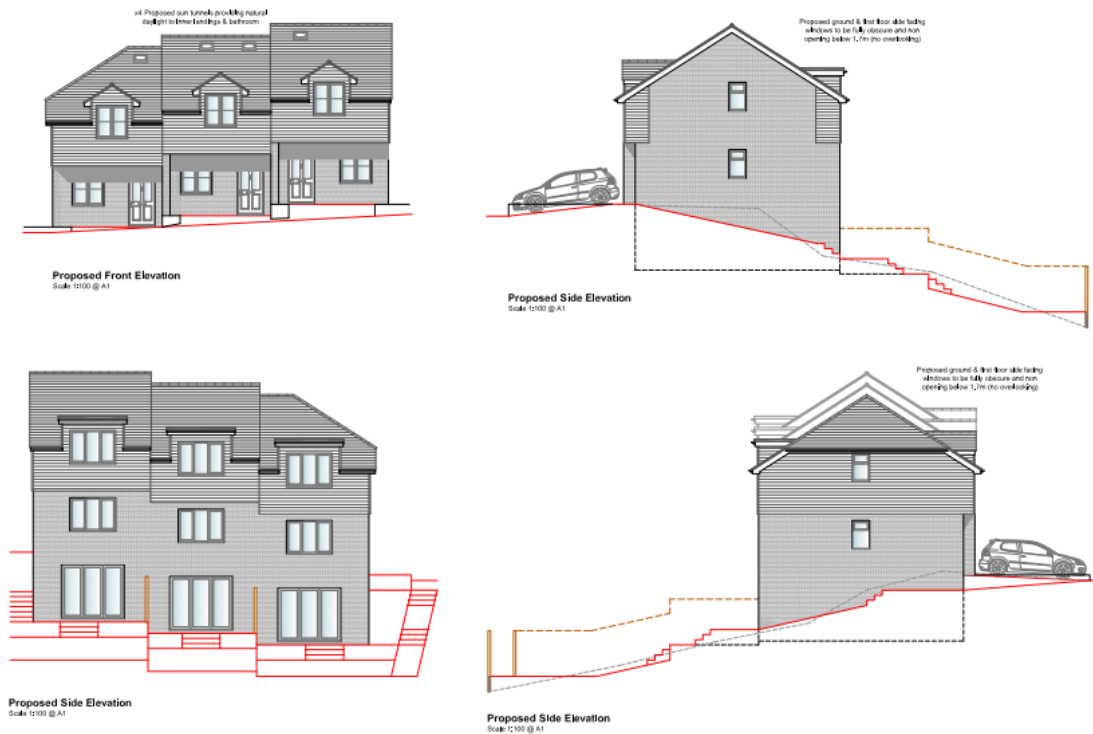


Figure 3: Proposed Elevation/Section Plans

1.4 The application is supported by an existing and proposed street scene plan, proposed site section plans in relation to Minnis Terrace, a daylight and sunlight assessment and a Preliminary Ecological Appraisal, in addition to the standard plans and documents.

2. Main Issues

2.1 The main issues for consideration are:

- Principle of the development
- Impact on the character and appearance
- Impact on residential amenity
- Impact on highways
- Impact on ecology/biodiversity

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 application site falls within the settlement confines of Dover and comprises previously developed land. Under Policy DM1, the erection of residential development within the settlement boundaries is acceptable in principle, subject to material considerations. Draft Policy SP4 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 Dover. The National Planning Policy Framework seeks to direct development towards sustainable locations.

- 2.4 Given the location of the application site within the urban confines, and constituting previously developed land, the proposed erection of 3No. dwellings would be compatible with the applicable Core Strategy and Draft Dover Local Plan Policies and the overarching aims and objectives of the National Planning Policy Framework. The development is therefore considered to be acceptable in principle, subject to the assessment of all other material planning considerations.

Character and Appearance

- 2.5 Paragraph 130 of the NPPF sets out that planning decisions should ensure that development functions well and adds to the overall quality of the area, and are sympathetic to local character, including the surrounding built environment, whilst not preventing or discouraging appropriate innovation or change. Draft Policy PM1 requires all development to achieve a high quality of design, which promotes sustainability and fosters a positive sense of place.
- 2.6 The surrounding area is an established residential road, characterised by relatively high density predominantly period terraced dwellings of traditional, regular designs, with modest front gardens and on street parking, which are stepped in response to the gradient of the road increasing from west to east. The application site and the adjacent late 20th century terrace to the east of the site differs from this character to a degree and are set further back from the street with parking provision. There is a significant level change between the application site and the adjacent Minnis Terrace to the west.
- 2.7 The proposed development follows the front building line of the adjacent terrace to the east. The width and depth of the dwellings are comparable to this adjacent terrace and surrounding dwellings, and the proposed terrace comprises a stepped built form in response to the changing land levels, which accords with the pattern and formation of the prevailing surrounding terraced development. The first floor of the dwellings are proposed to be set partially within the roof served by half dormers, and the western end of terrace unit will be set under a hipped roof. This will reduce the scale and built form of the dwellings and increase the separation to the adjacent Minnis Terrace which would soften this relationship and prevent an overbearing appearance. This proposed layout, siting and scale of the terrace is considered to be comfortably accommodated on the application site and will respond to and integrate with the surrounding built development and changing land levels. The proposed street scene is illustrated in Figure 4 below.

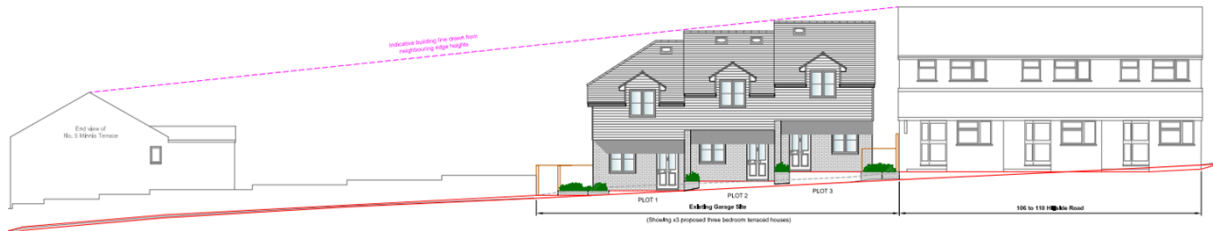


Figure 4: Proposed Street Scene

- 2.8 The design of the proposed terraced dwellings incorporates established design features in the area such as dormer windows and comprises appropriate proportions which are reflective of the verticality to the surrounding built environment, whilst comprising a more modern approach and appearance, which is not considered to be out of character with the locality given the presence of later development. Through this the proposed terrace is considered to respond and relate well to the design and appearance of the surrounding built environment. The terrace contains a modest overhang to the first floor of the dwelling, which is considered to be a minor feature which would not be detrimental to the appearance of the dwelling. The dwellings are proposed to be finished in red mix brickwork, silver grey cladding to the first floor, artificial slate and aluminium fenestration. This combination of materials is considered to be suitably compatible and would sufficiently relate to the surrounding built environment which contains a range of materials including red bricks and tiles, and light rendered finishes. Samples of external materials will be secured by condition should consent be granted to ensure these are appropriate and of sufficient quality.
- 2.9 The proposed frontage will contain a regular, balanced arrangement of a single parking space per dwelling, separated by landscaped planters. This is considered to provide an orderly appearance which will be softened by the landscaping, forming an appropriate balance between parking provision and providing an attractive and compatible frontage.
- 2.10 The existing garages are not of architectural merit and are considered to be neutral features which do not contribute to the street scene or quality of the surrounding environment. As such, no objection is raised to their demolition and the redevelopment of the site.
- 2.11 Overall, the proposed development is considered to form a suitably comfortable and compatible development which responds to and integrates with the surrounding built environment and the topography of the area. The proposal would therefore accord with Draft Policy PM1 of the Draft Dover Local Plan and the National Planning Policy Framework.

Residential Amenity

- 2.12 Section (f) of Paragraph 130 of the NPPF requires development to provide a high standard of amenity for existing and future users. The previous schemes were refused in part due to the overbearing and enclosing impact to the adjacent terrace to the west, Minnis Terrace. The relationship between the proposed development and this terrace forms a key consideration for this application, particularly given the large level change between the two sites.

2.13 The proposed terrace will be set off the western side boundary by approximately 2.7m and there is a separation distance of approximately 15.5m to the rear projection and 20m to the rear elevation of the main body of the nearest dwelling within the adjacent Minnis Terrace to the west. The proposed end of terrace dwelling to the east, nearest Minnis Terrace, has been designed to reduce its built form in relation to the adjacent terrace, containing its first floor partially within the roof and set under a hipped roof which pitches away from Minnis Terrace, which will increase the separation to the adjacent terrace and aid this relationship. This unit has an eaves level of approximately 5.4m and a ridge height of 7.2m. The application has been supported by proposed site sections which illustrate the relationship between the proposed terrace and the adjacent Minnis Terrace at intervals (between 5 Minnis Terrace and the front of the site, 4 Minnis Terrace and the centre of the proposed terrace and 2 Minnis Terrace and the rear gardens). These sections demonstrate that proposed development does not intersect the 25 degree line when taken from the midpoint of the closest nearest window (to the ground floor rear projections), which indicates that the proposal would not result in an unacceptable overbearing impact. An example of this is provided at Figure 5 below.

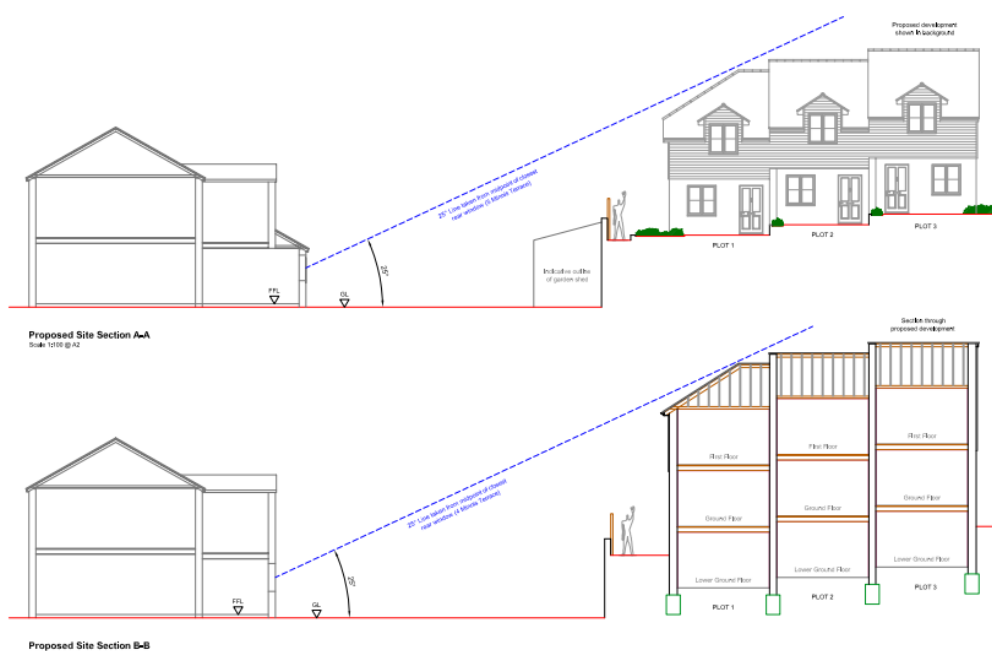


Figure 5: Proposed Site Sections and 25 degree line

2.14 The proposal is also supported by Daylight and Sunlight Assessment which assesses the impact of the proposed development on the sunlight and daylight of the rear windows and external amenity area of 1-5 Minnis Terrace and 110 Hillside Road in accordance with BRE guidance. The vertical sky component assessment concludes that all neighbouring windows meet BRE guidelines for loss of daylight and these properties will not suffer from a noticeable loss of daylight to their windows or the percentage of their habitable floor area from which the sky is visible. The sunlight annual probable sunlight hours meets BRE guidelines for loss of sunlight with good results, meaning there will be no undue loss of external sunlight experienced by neighbouring properties from their windows. The sunlight overshadowing of amenity space assessment meets BRE guidelines with good results, resulting in no undue loss of external sunlight to neighbouring properties amenity space. The Daylight and Sunlight Assessment

concludes that the proposal satisfied all relevant BRE requirements for daylight and sunlight and the neighbouring properties.

- 2.15 The proposed development, given the additional built form proposed and the steep land level change between Minnis Terrace and the application site will result in a greater impact to the residential amenities of the occupiers of Minnis Terrace with regards to their light, outlook and sense of enclosure/overbearing impact, in comparison to the existing situation. The supporting Daylight and Sunlight Assessment demonstrates that the proposal would satisfy all relevant BRE guidance and would not result in an undue or unacceptable loss of daylight and sunlight to the windows or external amenity areas of these neighbours. In addition, the proposed section plans indicate that the application of the rule of thumb 25 degree rule does not result in an unacceptable overbearing impact. On the basis of this supporting information and evidence provided, together with the separation distance provided to the adjacent neighbouring terrace and the reduced built form of the first floor/hipped roof, the proposed development is not considered to result in an unacceptable impact with regards to light, outlook and an overbearing/enclosing impact. The terrace would extend a minimal additional depth of approximately 1m beyond the rear elevation of 110 Hillside Road to the east, which would not result in harm to this adjacent neighbour.
- 2.16 In terms of overlooking, the proposed dwellings habitable rooms are served by front or rear facing windows, with the rear elevation containing a window to each storey. Whilst the proposed dwellings will be sited on a raised ground level in relation to the adjacent Minnis Terrace, given the position of the rear elevation of the proposed development in relation to this adjacent terrace, views from these windows will be oblique, restricted views, which are not considered to be significantly harmful. The proposed rear patio and garden is stepped, with a 1.8m high side boundary treatment to plot 1 which corresponds with the ground level of the site, which will prevent harmful overlooking from the external amenity space. Views to the adjacent dwellings to the east will also be oblique. The terrace is served by a central window to each side elevations which will serve bathrooms which are not habitable spaces. These windows will be obscured glazed and non opening up to a height of 1.7m above internal finished floor level, which will not result in harmful overlooking to the adjacent neighbours each side. The proposed development is therefore not considered to result in unacceptable impacts with regards to overlooking or a loss of privacy.
- 2.17 In terms of the living conditions of the future occupants, the proposed dwellings are provided with a comfortable internal layout. Whilst not yet adopted, the dwellings would accord with the relevant Nationally Described Space Standards for a 3 bedroom, 3 storey dwelling. All primary habitable rooms will be served by front or rear facing windows which will provide a good standard of light, outlook and ventilation. Each dwelling will be provided with a modest rear garden which will provide suitable external amenity space and cycle storage. Refuse storage provision has been appropriately and discreetly integrated into the layout of the development.
- 2.18 The application site is located in close proximity to the railway line to the rear of the site, with an approximate 24m separation distance from the rear elevation of the proposed terrace. In order to safeguard the future occupants from undue noise, disturbance and vibrations Environmental Health require a condition to be secured which requires a noise and vibration survey in relation to the railway line to be carried out, to inform mitigation measures to be implemented and maintained if required such as sound insulation and anti-vibration treatments of

the foundations, in accordance with the appropriate standards. This condition will be secured should permission be granted in order to provide an acceptable standard of amenity for future occupants of the proposed dwellings in this regard.

- 2.19 The proposed development is therefore considered to provide an acceptable standard of residential amenity for existing adjacent neighbours and the future occupants of the proposed dwellings, in accordance with Draft Policy PM2 of the Draft Dover District Local Plan and paragraph 130 of the National Planning Policy Framework.

Highways

- 2.20 The application site is located within a suburban/edge of centre location, which in accordance with Policy DM13 which sets out the applicable parking requirements, would necessitate 1/1.5 spaces per 3 bed dwelling. The site is located within relatively close proximity to local shops and amenities on London Road to the south east, together with being served by bus services and is therefore considered to be relatively sustainably located. As such, the provision of 1No. parking space per dwelling is considered to be sufficient for this location and would provide an appropriate balance between suitable parking provision and a landscaped and compatible frontage. The proposed parking spaces would be provided with sufficient visibility splays with no obstructions over 1.05m above carriageway level.

- 2.21 The proposed development would result in the loss of existing parking to the frontage of the existing garages and garage provision. Representations received suggest that the existing garages are primarily used for storage purposes and are in a poor state of repair, but that the frontage parking is utilised by occupants of the surrounding area who would be displaced should the proposal be granted. There is unrestricted on street parking provision in Hillside Road and surrounding roads. Concerns raised relating to existing parking pressures and highway issues arising from the use of the route by HGVs are noted. However, it is not considered that the additional modest demand arising from the provision of 3No. dwellings, which are provided with 1No. off street parking space per unit and the loss of the existing garages and parking within this relatively sustainable location would result in a significant additional or detrimental impact to the surrounding parking provision and highway amenity and safety. Similarly, the vehicular movements associated with these dwellings are not considered to significantly affect or alter the vehicular movements in the locality. The proposed development is therefore considered to be acceptable in terms of highway amenity and highway safety.

Ecology

- 2.22 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. The submitted PEA concludes that the no impact is expected to protected species, and no further works or surveys are recommended. The PEA does however recommend a suitable bat sensitive lighting condition is secured, consideration is given to the timing of clearance works in relation to their impact upon breeding birds, and ecological enhancement measures are incorporated into the proposal, with suggested enhancements provided. In the interests of protecting and enhancing biodiversity, these recommendations will be secured

by appropriate safeguarding conditions/informatives should planning permission be granted.

- 2.23 There is 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. In this instance, the application site is located outside the 9km zone of influence radius of the Thanet Coast and Sandwich Bay SPA and is therefore not subject to the required mitigation for additional recreational pressures arising from new residential and applicable tourism development, in accordance with Draft Policy NE3. The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy is still considered to be effective in preventing or reducing the harmful effects of increased use of these protected sites.

Impact on Drainage/Sewer

- 2.24 The combined public sewer crosses the application site to the rear of the proposed dwellings. There will be an approximately 1.5m separation distance to the sewer at the closest point to the rear of plot 3, with the separation progressively increasing given the angled siting of the sewer, to over 4m at the greatest point. Southern Water advise that a 3m clearance from built development is required to protect the sewer from construction works and allow future maintenance access. Southern Water further advise that if consent is granted, a pre-commencement condition is required for the developer to agree with southern water the measures to be taken to protect the public sewers.
- 2.25 The proposed built development will fall partially within the 3m clearance area of the public sewer. The impact upon the public sewer is a legal matter between the two parties. However, it is considered appropriate in order to address this and safeguard the public sewer, to secure a pre commencement condition requiring details of measures to be taken to protect the public sewer and mitigate against the proposed development are submitted and approved by the LPA in agreement with Southern Water. Provided this condition is secured and discharged, the impact of the development upon the adjacent public sewer would be acceptable in this regard.

Other Matters

- 2.26 Given the sensitivities and constraints of the site, and in order to safeguard the character and appearance of the area and the residential amenities of the adjacent Minnis Terrace it is considered necessary and appropriate to remove permitted development rights in this instance.

3. Conclusion

- 3.1 Overall, the proposal would provide an additional three dwellings upon previously developed land within the urban confines which is acceptable in principle. The development is considered to provide a suitably comfortable and compatible form of development upon this sensitive and constrained site, which integrates with and responds to the surrounding built environment and level changes. The proposal is supported by information and evidence, which together with the layout, siting and reduced built form of the first floor/hipped roof of the proposal in relation to the adjacent Minnis Terrace is not considered to result in unacceptable harm with regards to loss of light/outlook and an overbearing impact and would result in an acceptable impact upon residential amenity in all

other respects. The development will be provided with sufficient car parking provision and is not considered to result in a significant additional or adverse impact to the surrounding parking provision, highway amenity or highway safety. Relevant ecology and drainage matters can be safeguarded by applicable conditions, which are recommended to be secured. The proposed development is therefore considered to be acceptable and present sustainable development in accordance with the applicable policies and the NPPF, and it is recommended for approval.

g) Recommendation

I PLANNING PERMISSION BE GRANTED, subject to conditions:

1. Time Limit
2. Approved plans
3. Samples of materials
4. Windows/doors aluminium frames set in reveals
5. Landscaping
6. Refuse and cycle storage
7. Provision and retention of parking
8. Visibility splays
9. Removal of PD rights
10. Noise vibration survey prior to commencement and scheme of mitigation measures implemented and maintained
11. Details of measures to protect public sewer and mitigate the proposed development agreed prior to commencement
12. Lighting design strategy for biodiversity
13. Ecological enhancement measures in accordance with recommendations

Informative: Consideration given to timings of clearance in relation to breeding birds.

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

Jenny Suttle