

a) **DOV/22/01642 - Erection of two detached dwellings with cycle and refuse stores, parking and replacement car parking for No 22 - Plot 1, Land Adjacent to 22 The Street, West Hougham**

Reason for report – Number of contrary views (11)

b) **Summary of Recommendation**

Planning permission be granted subject to conditions.

c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM15, DM16

As is the case with the development plan, where existing policies were adopted prior to the publication of the National Planning Policy Framework (July 2021) (NPPF), the weight to be given to them depends on their degree of consistency with the policies of the Framework (paragraph 219).

Draft Dover District Local Plan to 2040 (March 2023)

The Submission Draft Dover District Local Plan is a material planning consideration in the determination of applications. At submission stage the policies of the draft plan can be afforded some weight, depending on the nature of objections and consistency with the NPPF. Relevant policies include: SP1, SP2, SP3, SP13, SP14, PM1, PM2, TI1, T13, NE1, NE2

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

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 111, 126, 130, 174, 176, 180

National Design Guide & National Model Design Code (2021)

d) **Relevant Planning History**

DOV/20/00524 - Erection of extensions to existing garage to facilitate conversion to a detached dwelling and creation of parking - Approved

DOV/20/01369 - Outline application for the erection of 2 x detached dwellings (with all matters reserved except access) - Approved

DOV/22/00921 - Reserved matters application for the details of layout, appearance, landscaping, and scale pursuant to outline planning permission DOV/20/01369 for the erection of 2no. detached dwellings - Refused for the following reasons:

*1. The proposal involves the introduction of two x two storey houses of a scale and design that would be unacceptable in this location, resulting in undue harm to the character of the area and residential amenities of the occupants of the adjacent properties. The scheme would be contrary to the requirements of condition 6 of outline planning permission DOV/20/01369 and paragraphs 124, 126 and 130 of the National Planning Policy Framework.*

*2. The application which is located in an Area of Outstanding Natural Beauty has been submitted in the absence of full parking and manoeuvring details, a tree survey, a landscaping scheme or an appropriate ecological assessment of the site. In the absence of these details a full assessment of the impact of the proposals has*

*not been possible and is contrary to paragraphs 174, 176 and 180 of the National Planning Policy Framework.*

DOV/22/01643 Erection of dwelling with carparking to west of number 22 - under consideration.

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

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

Parish Council

- Consider the proposal is overdevelopment of the site, having an overbearing impact on the village
- Concerns about width of drive, access for emergency vehicles and additional traffic causing highway concerns
- Loss of biodiversity at the site
- Negative impact on AONB and buildings in the village
- Concerns about drainage
- Concerns about infrastructure in the area
- Inaccuracies in planning submission
- Suggest planning committee should visit the site.

Third party Representations:

11 Representations of objection have been received and are summarised below:

- Access only suitable for one household
- Inadequate parking facilities for occupants and visitors leading to on street parking in The Street which is already parked up
- Overdevelopment of site
- Backland development
- Design and height out of keeping with others nearby, leading to loss of light and overshadowing
- Noise nuisance and pollution for neighbours
- Sets a precedent for development in AONB
- Objection to removal of trees that have taken place at the site and destroying biodiversity
- Internet is not reliable enough to support more housing.
- Properties will be visible from adjacent footpath
- Non planning issues-loss of view, additional cars will further damage adjoining road network, disruption during the build process, monetary gain from the site, some of those supporting the proposal do not live in the village

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

- Additional properties will not ruin the village but will provide additional accommodation in a village location in accordance with government guidance
- Sympathetic and attractive design with sound insulation measures and no overlooking/loss of light
- Notes a cul de sac of new houses have been approved on the adjacent site, formerly occupied by a pub, now known as The Chequers
- No resulting loss of privacy

- Parking provision and access via private drive are adequate
- Trees previously removed were either small or diseased. New landscaping and bird boxes will encourage wildlife

KCC Highways: Notes that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. Recommend an Informative concerning the need for applicant to obtain any necessary highway approvals or consents.

KCC PROW: No objections raised.

Southern Water: There is an existing public foul sewer within the development site, the exact position must be established. The 150 mm diameter gravity sewer requires a clearance of 3 metres on either side (including trees) to protect it from construction works and to allow for future maintenance. There shall be no soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public or adoptable gravity sewers. All existing infrastructure should be protected during the course of construction works.

Kent Fire & Rescue

Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010, with domestic sprinkler systems if access cannot be achieved.

**1. The Site and the Proposal**



Figure 1 Site location plan

- 1.1 Number 22 is a detached two storey house situated on the south eastern side of The Street and set back from the frontage with the highway. It is reached via a private drive

situated between Barley House in Chequers Court and number 24 The Street. The property lies within the village confines as identified on the Local Plan map. The village of West Hougham including this site is situated within the Kent Downs Area of Outstanding Natural Beauty (AONB). The village comprises a mix of dwelling types, styles and plot sizes.

- 1.2 Number 22 previously benefited from a converted garage building on the western side and a single storey element comprising a utility room to the east. Both of these structures have now been removed.
- 1.3 Number 22 occupies a larger than average plot than others in the vicinity, which extends across the rear gardens of numbers 24, 26, 28 and 30 The Street on the north western side. To the north east the garden extends towards number 42 The Street, a chalet bungalow that occupies a back land situation also to the rear of properties in the Street. This property has a dormer in its rear elevation facing towards the garden of number 22.
- 1.4 Immediately to the south east of number 22 is a Public Right of Way (PROW) set at a lower level with largely open countryside beyond. To the south west of the application site is a more recent development of 5 x two storey houses on the site of the former Chequers public house. This scheme comprises three houses at the rear roughly in line with number 22 The Street and a further two houses along the site frontage. All five houses are reached via a centrally sited vehicle access.
- 1.5 Full planning permission is sought for the erection of two detached three-bedroom chalet properties with office, on the former garden area to the north east of number 22. The dwellings would be reached via the existing private driveway which serves number 22 and the former smaller dwelling that was created by the enlargement of the garage building to the west of number 22 (now demolished). Each new property and number 22 would have two parallel parking places in front with a small turning head provided between the units. The dwellings would be designed with a single pitched roof dormer to the rear with two rooflights and would be finished in red/brown facing brickwork with clay tiles and cladding to the rear dormers.



Figure 2 Proposed Block Plan



Figure 3 Proposed elevations and floor plans

1.6 In association with the proposals electric vehicle charging facilities would be provided together with a cycle shed in the rear garden. A 1.8m timber fence would be provided along the rear, south eastern boundary with other existing fencing to the north east shown as being retained.

## 2. Main Issues

2.1 The main issues for consideration are:

- The principle of the development & planning history
- The impact on the character and appearance of the area and AONB
- The impact on residential amenity
- Highway, Parking & Fire & Rescue Matters
- Ecology

## 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 West Hougham is identified as a village under policy CP1 and the site lies within the settlement confines identified in policy DM1. The village is a tertiary focus for development in the rural area and the small scale of this proposal would make use of land that falls within the village confines. This location broadly accords with the objectives of the NPPF which seek to locate development where they have access to and can support local services. The development therefore accords with the development plan.

- 2.4 The planning history for this site is relevant to the determination of this application. Outline application DOV/20/01369, which was for two detached dwellings, was considered at a planning committee meeting in March 2021.
- 2.5 Members resolved to grant outline consent for the erection of two detached dwellings (with all matters reserved other than that of 'access') subject to various safeguarding conditions. In particular, conditions were attached stating that the dwellings should be either chalet bungalows or bungalows with slab levels to match that of number 22 and with an eaves height no greater than that of a single storey property. Neither of the properties were to incorporate dormer windows in the north western and northern elevations and no clear glazed windows were to be shown in the side elevations of the dwellings.
- 2.6 Various other safeguarding conditions were also attached stating that full parking and manoeuvring details, surface water drainage details, provision of a domestic sprinkler system to meet relevant fire/rescue requirements and EV charging facilities would be required.
- 2.7 The principle of residential development on this part of the site and access have already been established in recent times. Whilst the current scheme seeks full planning permission rather than reserved matters, the outline permission remains valid and relevant to the determination of the current application and the circumstances at the site have not significantly altered.

#### Impact on the Character and Appearance of the Area and AONB

- 2.8 The statutory duty prescribed by Section 85 of the Countryside and Rights of Way Act 2000 needs to be 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). Paragraph 174 of the NPPF requires that planning decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing valued landscapes. In this case, the application site is located within the Kent Downs 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.
- 2.9 The two proposed dwellings would have a slab level to match that of number 22 with the eaves height of a single storey dwelling, which would accord with condition 6 of DOV/20/01369. The provision of single or chalet style dwellings would accord with the requirements of condition 6 of DOV/20/01369. Consequently, the scale and overall form of the development would adhere to those which have previously been found to be acceptable to the council.
- 2.10 The proposal will involve the provision of two dwellings with small garden space and adequate off road parking place in a village setting. The dwellings are considered to be of a suitable scale and proportions for the small sized plots that would be created adjacent to number 22. The design is simple but satisfactory for this location and would be in keeping when seen in context with the mixed local pattern of development. Whilst the plots are not spacious, they are adequate and as agreed under the outline application the proposal is not considered to represent overdevelopment.

2.11 The village of West Hougham falls within the Kent Downs AONB and around the edge of the settlement various dwellings can be seen to present a harder edge to the landscape. The proposed dwellings would be in line with number 22 The Street and the other recent development at The Chequers and would not project beyond the village confines further into the AONB. The proposed dwellings, as with others in the locality, would be partly visible from the adjacent footpath, although this would not represent a reason for withholding planning permission. The proposed units would present no greater visual harm to the qualities of the AONB than other properties around the edge of the village confines, but would instead be seen within a context of an existing village edge. Consequently, attributing great weight to the landscape and scenic beauty of the AONB, it is not considered that the development would cause any harm to the character or beauty of the landscape and would be compatible with the pattern and character of the development in the locality.

#### Impact on Residential Amenity

2.12 Paragraph 130 (f) of the NPPF sets out planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. It is noted that the application site, formerly part of the garden area of number 22, lies to the rear of residential properties in The Street, which comprise bungalows and some chalet properties.

2.13 The siting of the proposed dwellings would ensure a satisfactory degree of separation from those dwellings fronting The Street, some of which incorporate rooms in the roof space. The properties would each incorporate a small dormer and two roof lights to the rear elevation avoiding overlooking towards the properties to the north west fronting The Street. The lack of dormers to the front elevation of the proposed units will ensure that overlooking is avoided and that privacy levels are maintained. Safeguarding conditions are recommended to ensure that no further openings are permitted in the roof slopes or side elevations of the properties.

2.14 It is recognised that the introduction of two dwellings in this location will create additional vehicle activity and general comings and goings as is the case with other properties in the village. It is considered that this would not be at such a significantly high level such as to cause a nuisance or justify withholding consent and this conclusion is in conformity with the conclusions of the planning committee in respect of the previous planning permission for the site.

2.15 Whilst there will be some change in outlook from the rear of properties in The Street, this would not cause such undue harm as to be detrimental to the level of amenities currently enjoyed by adjoining occupants.

#### Impact on Parking/Highways

2.16 Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

2.17 KCC Highways advised under the outline application that the proposal, due to its small scale did not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. They did note however that:

“The proposal was for two additional dwellings leading to an unclassified road, using an existing access. Although it will result in an increase in vehicles, this will be minimal. Driven speeds at this location are likely to be low and there are no

personal injury crashes recorded along this road, within the last 3 years. We wouldn't really have any highway grounds to object to this application."

- 2.18 Access to the site would be via the existing private driveway approximately 4m in width by 42m in length. Clearly the proposal will result in some intensification of the driveway with the two additional households as was recognised in the outline application. At that stage however the extra vehicle activity to and from the site was not considered to present significant highway concerns. As there have been no changes in the proposed number of units and general circumstances surrounding the site there are again no highway objections to this matter.
- 2.19 Two parking places would be provided for each of the proposed and the existing dwellings with a turning head available for use by all occupants so that cars can enter and leave in a forward direction. These arrangements will provide sufficient space for occupants although no facilities are available for visitors. Whilst this is not an ideal situation it is not unusual for visitors to a domestic property to have to park off site and it is not considered that the lack of visitor parking (the policy requirement being 0.4 visitor spaces) would cause a highway safety issue or amount to a severe cumulative impact on the highway.

#### Fire and Rescue

- 2.20 Under the outline application the Kent Fire & Rescue Service noted that there were no turning facilities for a fire engine but that the use of a sprinkler or mist system would enable fire appliances to be extended to a maximum of 90 metres from all points within the dwelling houses. The 90 metre distance would be achieved by the use of four lengths of 25 metre hose. The extra 10 metres would provide some safety margin to allow for the hose to be run around objects or obstructions between the appliance and the dwellings.
- 2.21 It is now stated that water mist systems are not currently considered acceptable. The matters of fire and rescue would need to be addressed under a Building Regulation submission.

#### Drainage

- 2.22 It was previously noted that a public sewer is located close to the proposed dwellings and the connection for foul water drainage would be subject to necessary permissions. Southern Water requires a formal application for any new connection to the public foul and surface water sewer to be made by the applicant or developer. This, together with means of surface water disposal from the proposed development, would be addressed through the Building Regulation process.

#### Ecology

- 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. The emerging Local Plan requires that developments within 9km of the site would cause recreational impacts for which mitigation is required. As this site lies outside of the Zone of Influence, no mitigation is required.
- 2.24 The application relates to a residential garden area which has in recent times been the subject of tree removal. The trees at the site were not considered to be worthy of protection under a Tree Protection Order and the site owner was in this instance able to carry out this work without the need for permission from the local planning authority. The loss of trees from a site is often regrettable but new planting could be achieved under a landscaping scheme. It is stated that there are no protected or priority species at the site

or habitats of importance and a preliminary ecological assessment is not considered necessary in this instance.

### Other Matters

- 2.25 The comments of the neighbours have again been given careful consideration and addressed above. It should be noted that each application is considered in its own merits and this scheme would not set a precedent for other schemes that may come forward in the village.
- 2.26 Internet reliability and any potential disruption during the construction process of an approved scheme are not reasons for withholding planning permission.
- 2.27 The map provided by Southern Water shows the foul sewer running towards the rear south-eastern boundary of the site. The matters raised by Southern Water would need to be addressed by the applicant under a Building Regulation application. An Informative can be added to the planning permission to cover this matter.
- 2.28 The issue of providing electric vehicle charging facilities would also be covered under a Building Regulation application.

### **3. Conclusion**

- 3.1 The application proposes the construction of two chalet bungalows on a site where outline permission was granted in 2021 for such units, subject to certain specifications. The proposed units are of an acceptable design in accordance with draft policies PM1 and PM2 and would be compatible with their surroundings. Each dwelling and number 22 would be provided with two off street parking spaces and satisfactory manoeuvring space in accordance with draft policy TI3. In terms of policies DM15, DM16 and draft policy NE2, the dwellings would have limited impact on the visual amenities of the locality and the AONB in general.
- 3.2 The proposal would make a minor contribution towards the housing stock in the district involving development within the settlement confines. The proposal would not lead to undue environmental harm and would provide an economic opportunity through the construction phase.
- 3.3 It is recognised that the introduction of dwellings in this location to the rear of existing properties in The Street will alter outlook for the occupants. There is however a sufficient degree of separation such as to maintain an acceptable level of residential amenity for existing residents.
- 3.4 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. The proposal would not conflict with the overarching aims and objectives of the NPPF and it is recommended that planning permission should be approved.

### **g) Recommendation**

I PERMISSION BE GRANTED subject to conditions:

1. Time limit
2. Plans
3. Materials
4. Slab levels
5. Provision of parking
6. Cycle/refuse store

7. Means of enclosure
8. No windows in roof
9. No first floor windows
10. Landscaping

- 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

H Johnson