

a) **DOV/22/001402 - Erection of detached dwelling and double garage to serve 98 New Street - 98 New Street, Ash**

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, DM13

Draft Dover District Local Plan (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. The relevant policies are: SP1, SP2, SP3, SP4, CC2, PM1, PM2, TI3, NE3.

Ash Neighbourhood Plan: ANP4, ANP5, ANP6, ANP13, ANP14, ANP15, ANP16

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

d) **Relevant Planning History**

00/00378 - Residential development and alterations to vehicular access - Refused

DOV/08/00759 - Erection of two storey side extension- Granted

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

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

Ash Parish Council – Issues with overlooking to the neighbours and suggest obscured glazing to south facing window.

Southern Water – Information provided for the applicant

Third party Representations:

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

- Loss of Privacy to 8 and 10 Orchard View
- Inconsistent with design of houses in the area
- Over intensification of the access to the site
- Noise and disturbance to residents in Brewers Place
- Contrary to Ash Neighbourhood plan
- Other choice of 4 bed properties in the area, this is not required
- Will negatively impact this area of Ash
- There is already development happening within Ash
- Loss of countryside views

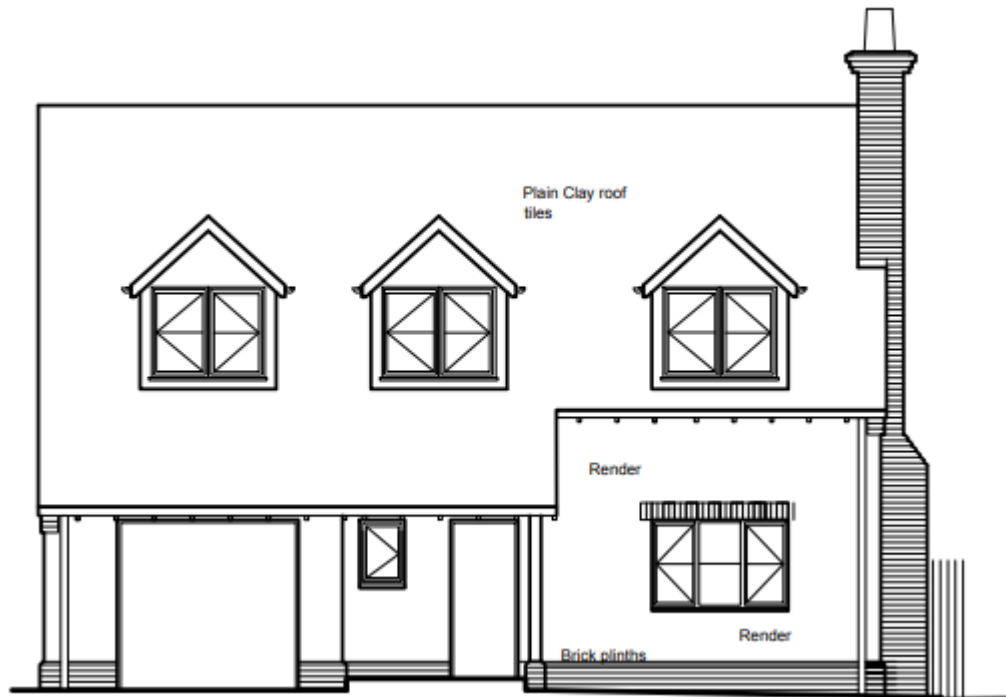
f) **1. The Site and the Proposal**

- 1.1 The application site relates to land to the northeast of 98 New Street, which is a detached dwelling to the northeast of New Street, which lies within the settlement confines of Ash. The application site is bounded by the properties as shown in Figure 1 below.
- 1.2 The application site is set within a built up, residential area of Ash. New Street has properties on either side of the road, which are of varying size, scale and design. The properties in the immediate vicinity of the application site are both chalet bungalows and two storey properties. Their material finish includes red brick, white render, tile hanging and horizontal timber cladding.

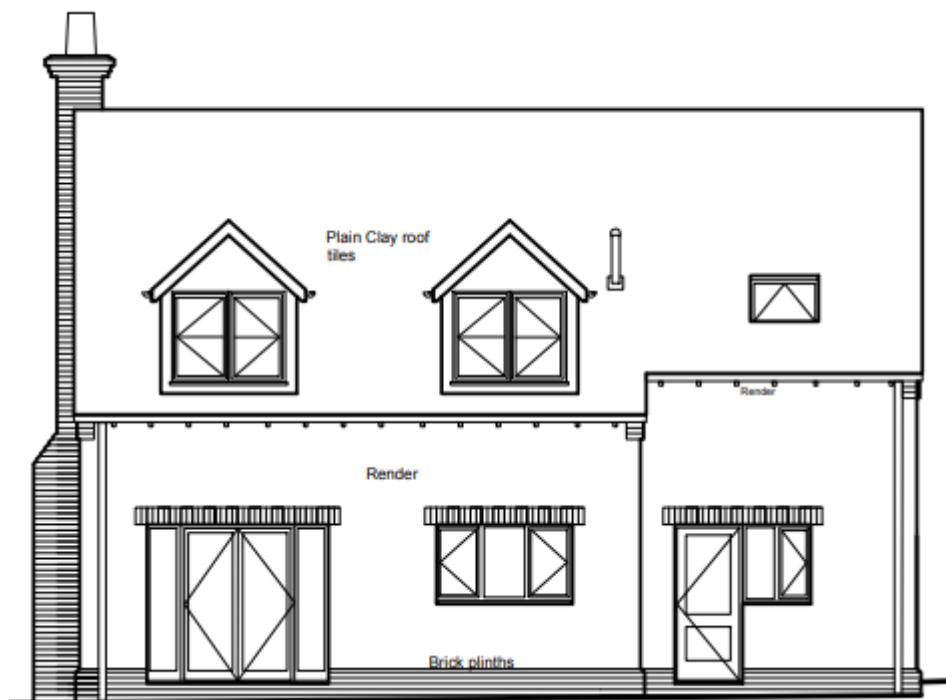


**Figure 1: Site location plan**

- 1.3 This application seeks permission for a 4no. bedroom detached chalet bungalow and a separate garage for 98 New Street. The proposed bungalow would be orientated southwest to northeast with a large rear garden to the northeast. While no specific parking spaces have been allocated, the property would benefit from a large driveway to the southwest, with space for at least 3 cars. The double garage would be located to the northeast of 98 New Street
- 1.4 The bungalow would have side facing gables, with dormer windows set within the front and back roof slopes, as shown on the elevation drawings in Figures 2 and 3. Both the dwelling and the garage would be finished in render, with brick plinths and plain clay roof tiles. Additional details for the main property would be brick headers above the windows and doors, both of which would be uPVC.
- 1.5 The application has been amended to remove a window on the southeast elevation, following concerns over privacy raised by neighbours.



**Figure 2: Proposed Front elevation**



**Figure 3: Proposed rear elevation**

## 2. Main Issues

2.1 The main issues for consideration are:

- The principle of the development
- The impact on the character and appearance
- The impact on residential amenity

## 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 Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by other development plan policies, functionally requires a rural location or is ancillary to existing development or uses. The site is located within the settlement confines and is therefore considered to be in accordance with DM1. That said, as a matter of judgement, it is considered that policy DM1 is out-of-date and, as a result, should carry reduced weight.
- 2.4 The Ash Neighbourhood Plan was made September 2021 and forms part of the Development Plan for the District. There are no specific policies in the plan that relate to housing development within the village, with the plan's focus being on larger scale proposals, rather than single dwellings and infill development. Policy ANP6 is considered to be the most relevant policy for this development, which seeks a demonstration of a high standard of design which respects and reinforces the local distinctiveness of its location and respects and responds to the village setting, and development which reduces potential impact of climate change.
- 2.5 The submission Draft Local Plan was submitted for examination in March 2023. The Plan is at an advanced stage and is considered to be an important material consideration in the determination of the application. In relation to the Draft Local Plan, policies PM1, SP1, SP2, SP4, and T11 are considered most relevant to the principle of development.
- 2.6 Draft Policy SP1 seeks to ensure development mitigates climate change by reducing the need to travel and Policy SP2 seeks to ensure new development is well served by facilities and services and create opportunities for active travel. Policy T11 requires opportunities for sustainable transport modes to be maximised and that development is readily accessible by sustainable transport modes. Given the location of the site, set within the confines of Ash, which is a tier 1 settlement, there are the full range of facilities and services required for day to day living. It is therefore considered that the proposal is in accordance with Draft Policies SP1, SP2 and T11. However, given that the plan is at examination stage then these policies can only be given moderate weight at this time.
- 2.7 Draft Policy SP4 states that infill development in Ash will be supported, subject to the proposal being of an appropriate scale, and compatible with the layout, density, fabric and appearance of the settlement. The proposed development would accord with Draft Policy SP4. Whilst policy SP4 is at examination stage given its consistency with the NPPF and there being no objections then it can be given moderate weight in the planning balance.
- 2.8 The application would therefore be in accordance with Policies CP1, and DM1 of the CS, Draft Policies SP1, SP2, SP4 and T11 of the Draft Local Plan.

### Impact on Visual Amenity

- 2.9 Paragraph 130 (f) of the National Planning Policy Framework sets out that ‘planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development’ The National Planning Policy Framework continues at paragraph 130 (c) setting out that ‘planning decisions should ensure that developments are sympathetic to local character, including the surrounding built environment, whilst not preventing or discouraging appropriate innovation or change’.
- 2.10 The properties in the immediate vicinity of the application site are both chalet bungalows and two storey properties. Their material finish includes red brick, white render, tile hanging and horizontal timber cladding, demonstrating the variety of materials present within the street scene. The use of render and clay roof tiles for this proposal would not be out of character with the surrounding area.
- 2.11 Whilst the proposal would be set behind the existing built development which fronts on to New Street, there are a number of existing properties set behind the street frontage. To the west of the application site is Brewers Place, which sits to the rear of 96 New Street and comprises two chalet bungalows. The proposed dwelling would be of a similar scale, design and position to these properties, and due to its location could be read in conjunction with this development.
- 2.12 It is therefore considered that the proposed development would be in keeping with the character and appearance of the area and would result in no harm to visual amenity in accordance with Paragraph 130 of the NPPF (2021), PM1 of the Draft Local Plan and Policy ANP6 of the ANP.

#### Impact on Residential Amenity

- 2.13 Paragraph 130 (f) of the National Planning Policy Framework says that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
- 2.14 The properties which are immediately adjacent to the site are Bramling House to the northwest and 10 Orchard View to the east. Due to the location of the proposed dwellinghouse, there would be no overbearing impact or overshadowing to the neighbouring properties.
- 2.15 Representations raised concerns that there would be a loss of privacy to the aforementioned properties as a result of the proposals. The orientation of the property is such that the dormer windows would face to the northeast, overlooking open fields, and to the southeast, towards 98 New Street which would be approximately 32 metres away. There is one window on the flank elevation, which would be a secondary bedroom window, and would be obscured glazing. It is therefore considered that there would be no loss of privacy as a result of the dwelling in this location. Due to the separation distance between the proposed dwelling and 98 New Street, it is not considered that a condition is required for the obscured glazing to be in place prior to occupation. The proposal would therefore be in accordance with Paragraph 130 of the NPPF (2021).
- 2.16 In respect of the amenity of the proposed occupiers, the proposed dwelling would contain four bedrooms, with a generous living space on the ground floor and a large rear garden. Although the plans do not identify a specific area for refuse/ recycling and bicycle storage, the plot is a generous size which to accommodate this. Consequently, it is considered that the development would provide a good standard of amenity to future occupants, in accordance with Paragraph 130 of the NPPF. The

development would also accord with the general principles of Policy PM2 of the emerging Local Plan, which seeks to ensure that development provides a good standard of residential accommodation.

#### Impact on Parking/Highways

- 2.17 Policy DM13 sets out that dwellings of this size, in this location should provide 2 independently accessible off-street parking space. As this proposal includes space to park at least 3 cars, it is considered to accord with policy DM13 and ANP13 of the Ash Neighbourhood Plan.
- 2.18 To encourage and to facilitate the use of this sustainable form of transport, cycle storage provision (one space per bedroom) will be secured by planning condition to meet the requirements of Kent Design Guide, the Ash Neighbourhood Plan and the NPPF. Electric vehicle charging is now required under Building Regulations Approved Document S and details of charging facilities are not required by planning condition. In terms of EV charging and cycle storage, the proposal would accord with policies ANP5 and ANP6 of the Ash NP.

#### The Conservation of Habitats and Species Regulations 2017, Regulation 63: Appropriate Assessment

- 2.19 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay. Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.20 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves. The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.21 Given the limited scale of the development proposed by this application, a contribution towards the Councils Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.
- 2.22 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the

designated site, caused by recreational activities from existing and new residents, will be effectively managed.

- 2.23 It is noted that the draft Local Plan contains a Policy requiring a financial contribution towards the erection of new dwellings within a 9km zone of influence of the SPA (Policy NE3). This is also set out within Policy ANP4, point 4.2 of the Ash Neighbourhood Plan. This application was submitted prior to the publication of the Regulation 19 plan and as such, notwithstanding the creation of a new dwelling, on this occasion, it is not considered appropriate to require a contribution under the draft policy as the application was submitted in advance of the Regulation 19 plan when the impact of development of this scale would have been mitigated by larger scale development.

#### Ecology and Trees

- 2.24 Policy ANP4 states that developments should provide biodiversity net gain of 10% and to take the opportunity to maximise the benefits for biodiversity. Developments should seek to avoid any harm and to minimise any adverse impact upon the local biodiversity, habitats and wildlife.
- 2.25 The Environment Act which requires developments to provide a mandatory net gain of 10% will apply to small sites from April 2024. It should be noted that a 10% biodiversity gain was not sought for other sites, including large sites, within Ash due to the transition period for the legislation still be in force, and as such not seeking biodiversity net gain of no less than 10% would be consistent with the approach taken on other sites within Ash.
- 2.26 In terms of ecological enhancements, where necessary and appropriate, development should incorporate additional features for the support of protected species, such as bird and bat boxes, swift bricks and roosting sites and access routes for wildlife (e.g. hedgehogs).
- 2.27 The application site is currently garden land belonging to 98 New Street and having had regard to Natural England's Standing Advice, is unlikely to provide suitable habitat for protected species. In line with ANP Policy ANP4, ecological enhancement will be secured by condition.
- 2.28 The site has a number of trees, with dense planting along the boundary. The trees and planting are to be retained to provide screening between the new dwelling and 98 New Street. Tree protection details will be secured by condition.

#### Other Matters

- 2.29 The site lies approximately 457m from Street End Conservation area. The Grade I listed Church of St Nicholas is located approximately 921m to the west of the site. The closest listed buildings are 127m to the south east (Hills Downe – Grade II listed and 168m to the south west (The Shrubbery – Grade II listed). Given the separation distance and the position of the development adjacent to existing development in this area of Ash, as well as the proposed height and massing, it is not considered that there would be any unacceptable impact on the setting of these assets. The proposal is in accordance with the NPPF (199, 200), draft Policy HE1 and Ash NP policy ANP6.

2.30 Broadband provision as required by Ash NP policy ANP14 is as of 26<sup>th</sup> December 2022 required under Building Regulations for all new dwellings, as set out in Approved Document R, Volume 1. Therefore, a condition is not required.

### **3. Conclusion**

3.1 The development is located within the built confines, but the related policy is considered to be out of date and the emerging policy SP4 only carries moderate weight. However, the application site is within the confines of Ash which is a Tier 1 settlement. Notwithstanding this, the proposed erection of a dwelling due to its siting, scale, design and materials is considered to be sensitive to the street scene with no harm to visual amenity. Furthermore, for the reasons outlined in the report, there would be no harm to neighbours or highway safety.

3.2 There would therefore be no significant or demonstrable harm such as to withhold planning permission and the development is considered to accord with the aims and objectives of the Core Strategy, the draft Local Plan, the Ash Neighbourhood Plan and the NPPF (2021).

### **g) Recommendation**

I PERMISSION BE GRANTED subject to conditions:

- 1) Time limit
- 2) Plans
- 3) Samples/Details of materials
- 4) Cycle storage details
- 5) Refuse storage details
- 6) Ecological Enhancements
- 7) Pre commencement tree protection and tree replacement details
- 8) Parking spaces to be provided and retained prior to occupation
- 9) PD – no additional windows in southeast or northwest 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

Amber Tonkin

*The Human Rights Act (1998) Human rights issues relevant to this application have been taken into account. The Assessment section above and the Recommendation represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).*