

a) **DOV/22/01643 - Erection of dwelling with car parking – Land adjacent to 22 The Street, West Hougham**

Reason for report – Number of contrary views (9)

b) **Summary of Recommendation**

Planning permission be granted subject to conditions.

c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM11, DM15, DM16, DM17

As is the case with the development plan, where existing policies were adopted prior to the publication of the National Planning Policy Framework (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) Policies: SP1, SP2, SP4, SP13, SP14, CC1, CC2, CC4, CC5, CC6, CC8, PM1, PM2, TI1, TI3, NE1, NE2, NE5

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:

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.

DOV/22/01642 - Erection of 2 detached dwellings with cycle & refuse stores, parking and replacement carparking for No. 22 - Plot 1, Land Adjacent To 22 The Street, West Hougham - Approved

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

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

KCC Highways: This 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/consents.

KCC PROW: No objections raised.

Kent Fire and Rescue: No response.

Southern Water: records show approximate position of our existing public foul sewer within the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The 150 mm diameter gravity sewer requires a clearance of 3 metres on either side to protect it from construction works and to allow for future maintenance access.

- No development or tree planting should be carried out within 3 metres of the external edge of the sewer without consent from Southern Water.

- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public sewers.

- All existing infrastructure should be protected during the course of construction works.

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

Parish Council - Object for the following reasons:

- Overdevelopment of the site and overbearing impact on the village
- Concerns about width of drive and adequate access for emergency vehicles
- Additional traffic causing highway concerns
- No visitor parking
- Loss of biodiversity at the site
- Negative impact on AONB and buildings in the village
- Concerns about drainage & infrastructure in the area
- Inaccuracies in planning submission
- Suggest planning committee should visit the site.

Third party Representations:

9 Representations of objection have been received and are summarised:

- Vehicle access only suitable for one household. Access is potentially dangerous for vehicles and pedestrians using both the access road and main road.
- Inadequate access for deliveries
- Inadequate parking for occupants and visitors leading to on street parking in The Street, which is already an issue and may cause issues for emergency vehicle access.
- Overdevelopment of site
- Backland development
- No pedestrian pathway on the main road through the village and visibility for drivers joining the main road from the access is obscured.
- Development would worsen state of roads in village
- In previous application Kent Fire and Rescue requested a turning circle for emergency vehicles
- Design and height out of keeping with others nearby

- Proximity to neighbouring properties and loss of outlook
- Loss of light and overshadowing to neighbouring properties
- Overlooking to neighbouring properties
- Noise nuisance and pollution for neighbours
- Sets a precedent in AONB
- Objection to removal of trees that have taken place at the site, destroying biodiversity
- Properties will be visible from adjacent footpath and highway
- Lack of services and facilities in village and lack of sustainable transport

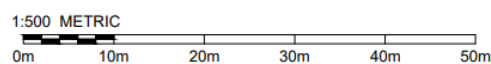
7 representations in support of the proposals have been received and are summarised:

- Additional properties will not ruin the village but will provide additional accommodation in accordance with government guidance
- Need for housing
- Sympathetic and attractive design
- No overlooking/loss of light
- No resulting loss of privacy
- Notes a cul de sac of new houses have been approved on the adjacent site, known as The Chequers
- 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
- Similar scheme to that previously approved

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



EXISTING SITE BLOCK PLAN - SCALE 1/500

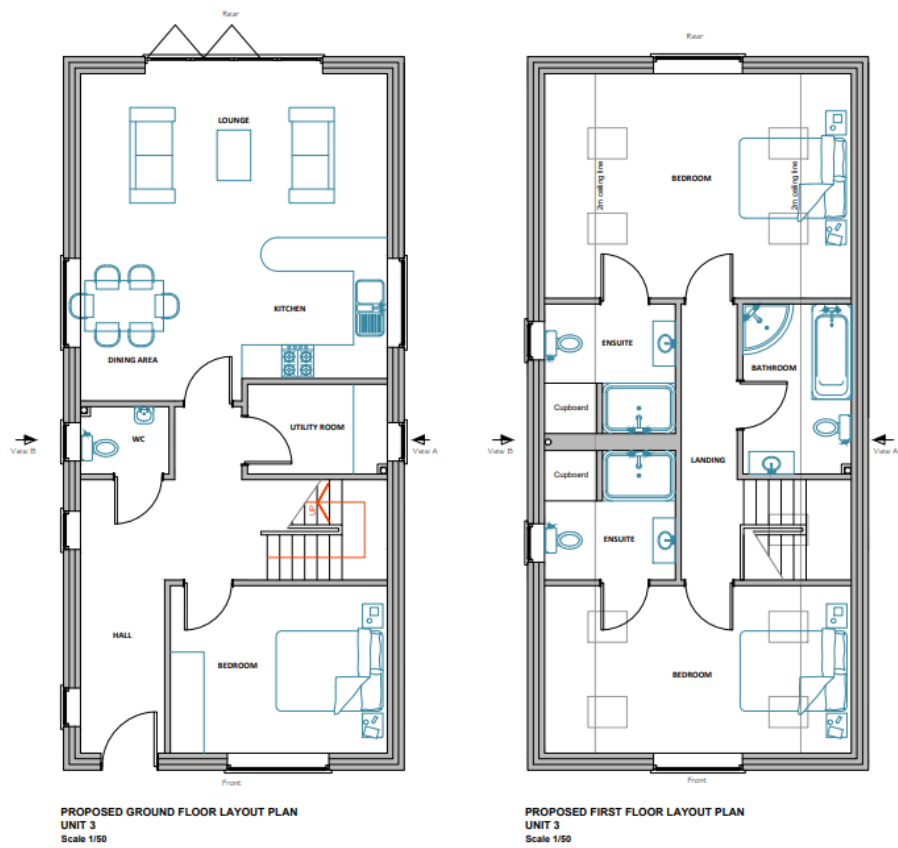


**Figure 1. Site location plan, not to scale**

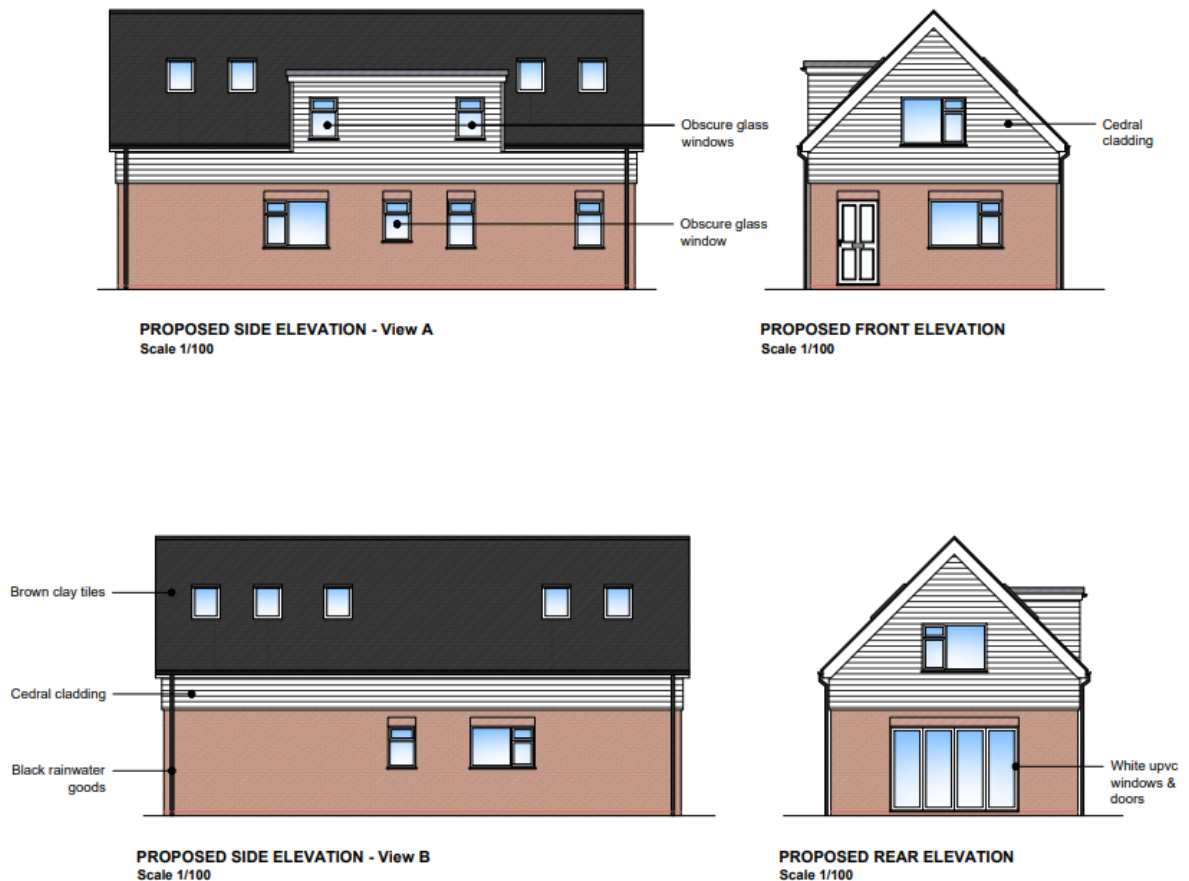
- 1.1 No. 22 is a detached two storey house situated on the southeastern side of The Street and set back from the frontage with the highway. It is reached via a private drive situated between Barley House in Chequers Court and 24 The Street. The property lies within the village confines. The village of West Hougham 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 No. 22 previously benefited from a converted garage building (the subject of this application) on the western side and a single storey element to the east. Both of these structures have now been removed. It occupies a larger than average plot to others in the vicinity, which extends across the rear gardens of 24, 26, 28 and 30 The Street on the north western side. To the north east the garden extends towards 42 The Street, a chalet bungalow that occupies a backland position relative to properties in The Street.
- 1.3 Immediately to the south east 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 dwellinghouses on the site of the former Chequers public house. This scheme comprises 3 dwellings at the rear roughly in line with 22 The Street and a further 2 dwellings along the site frontage. All are reached via a central vehicle access.
- 1.4 Planning permission is sought for the erection of a detached three-bedroom chalet property on the site of the former garage, sited to the southwest of No. 22. The dwelling would be reached via an existing private driveway which serves No. 22 and would have two parking spaces in front of the dwelling. The dwelling is designed with a pitched roof with a flat dormer window to the north east pitch, rooflights to both pitches and would be finished in red brickwork and cladding with a tiled roof.



**Figure 2. Proposed Block Plan (Not to scale)**



**Figure 3. Proposed floor plans (Not to scale)**



**Figure 4. Proposed elevations (Not to scale)**

## **2. Main Issues**

2.1 The main issues for consideration are:

- Principle of the development and planning history
- Impact on the character and appearance and AONB
- Impact on residential amenity
- Highways and parking
- Ecology
- Drainage issues

### **Assessment**

#### **Principle of Development**

2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 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. 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 accords with the objectives of the NPPF which seek to locate development

where there is access to, and/or can support local services. The development therefore accords with the adopted development plan.

- 2.4 Draft policy SP4 applies to proposals for residential development on unallocated sites and sites outside settlement confines. The policy is regarded as being consistent with the NPPF and moderate weight can be given, as a material planning consideration. The draft policy sets out the appropriate locations for new windfall residential development. The policy is underpinned by an up-to-date analysis of services and amenities at existing settlements, taking into account the availability of public transport, retail, community, education and medical facilities. The policy seeks to deliver a sustainable pattern of development, including within the rural area where opportunities for growth at villages (in line with Paragraph 79 of the NPPF) are confirmed.
- 2.5 Policy SP4 identifies two categories of settlement. The first are settlements that are capable of meeting some or all of the daily needs of their inhabitants and are therefore identified as suitable for additional residential development either within the settlement or immediately adjoining the settlement confines. The second category of settlement have few sustainable facilities, with residents likely to have their day-to-day needs met by services at nearby village or urban centres. At these locations, opportunities for new residential development are more limited, being focused on minor infilling within the settlement confines only. Policy SP4 applies other criteria to assess the appropriateness of development in these locations.
- 2.6 The second part of SP4 sets out criteria for new development. It requires that proposals are of a scale appropriate to the size of the settlement and the range of services and community facilities that serve it, taking account of the cumulative impact of any allocated sites and committed development. It also requires that proposals are compatible with the layout, density, fabric and appearance of the existing settlement, and in the case of settlements in, adjoining or surrounded by, the AONB, that the proposal complies in the first instance with the primary requirement of conserving and enhancing landscape and scenic beauty, and, where this is demonstrated, that the scale and extent of development is limited, sensitively located and designed to avoid or minimise adverse impacts on these designated landscapes.
- 2.7 The second part of SP4 sets out other criteria which includes that proposals should conserve and enhance landscape character and biodiversity, preserve or enhance any heritage assets within its setting, where the site adjoins open countryside, an appropriately designed landscape buffer should be included, proposals would not have an adverse impact on the living conditions of existing adjoining residents and that traffic movements generated from the development do not result in severe impacts to the highway network that cannot be mitigated, and proposals must not prejudice the ability of sites allocated for development to come forward due to limited highway capacity.
- 2.8 West Hougham is identified as a second category settlement. The proposal lies within the confines and therefore complies with part 1 of SP4. It is considered that the proposal also complies with the requirements of the second part of SP4, due to the size and scale of the proposal and the layout, form and appearance. A landscape buffer has not been proposed, however it is considered that this can be secured through a landscape condition.
- 2.9 The proposal is located on the site of a former garage serving No 22. The planning history for this site is relevant to the determination of this application. In 2020, permission was granted under DOV/20/00524 for the erection of extensions to the existing garage to facilitate conversion to a dwelling and creation of parking.

- 2.10 An outline application DOV/20/01369, which was approved for two detached dwellings to the northeast of No.22 and a subsequent full application was granted permission DOV/22/01642 for the erection of 2 detached dwellings to the northeast of No. 22.
- 2.11 The principle of residential development on this part of the site and access have already been established. The permission approved under DOV/20/00524 remains valid until 30<sup>th</sup> October 2023 and is therefore relevant to the determination of this current application. However it is noted that the garage has been demolished and the pre-commencement conditions attached have not been discharged, therefore this permission could not now be implemented. Notwithstanding, the planning history of the site remains a material consideration.
- 2.12 To conclude the principle of development is considered acceptable and accords with adopted policies, emerging policy SP4 and the aims of the NPPF.

Impact on Character and Appearance and AONB

- 2.13 The statutory duty prescribed by Section 85 of the Countryside and Rights of Way Act 2000 needs to be 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.
- 2.14 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).
- 2.15 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 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.
- 2.16 Policy DM15 seeks to resist development that would result in the loss of, or adversely affect the character or appearance of the countryside. Policy DM16 relates to landscape character and seeks to avoid development that would result in harm to the character of the landscape unless it is in accordance with allocations, or it can be sited to avoid or reduce harm and/or incorporate design measures to mitigate impacts to an acceptable level.
- 2.17 Draft policy PM1 requires that development achieves a high quality of design, promotes sustainability, and fosters a positive sense of place. It also states development should respect and enhance character to create locally distinctive design or create character where none exists.
- 2.18 Draft policy NE2 states that proposals should demonstrate regard to the Landscape Character Area, as defined by the Dover District Landscape Character Assessment 2020 and the Kent Downs AONB Landscape Character Assessment Review, in which they are located. All proposals within, or affecting the setting of, the AONB will be supported where:
- Development is sensitively located and designed to avoid or minimise adverse impacts on the AONB and its setting;
  - The location, form, scale, materials and design would conserve and where appropriate enhance or restore the special character of the landscape;



- The development would enhance the special qualities, distinctive character and tranquillity of the AONB and the Heritage Coasts;
  - The development has had regard to the AONB Management Plan and any associated guidance.
- 2.19 The dwelling is considered to be of a suitable scale, form and proportions for the plot that would be created. The proposal is considered appropriate for the context, given the scale, form and appearance and the existing mixed local pattern of development. The proposal will include a small garden space and adequate off-road parking. It is considered that the proposals will be sympathetic to local character and represent high quality design.
- 2.20 West Hougham falls within the Kent Downs AONB. Around the edge of the settlement various dwellings can be seen to present a harder edge to the landscape. The proposed dwelling would be in line with 22 The Street and other recent development at The Chequers and would not project beyond the village confines further into the AONB. The proposed dwelling, as with others in the locality, would be partly visible from the adjacent footpath.
- 2.21 The location, siting and design of the development are considered to minimise adverse impacts on the AONB. It is considered that the location, form, scale and materials would conserve the special character of the landscape. Furthermore, it is considered that the proposed dwelling would be read visually within a context of the existing village edge and would not result in any unacceptable harm to the qualities of the AONB.
- 2.22 Attributing great weight to the landscape and scenic beauty of the AONB, it is considered that the development would preserve the character and beauty of the landscape and would be compatible with the existing pattern and character of development within the locality. As such it is considered that the proposals accord with policies DM15, DM16, draft policies PM1 and NE2, and with the aims of the NPPF.

#### Impact on Residential Amenity

- 2.23 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.
- 2.24 Draft policy PM2 relates to quality of residential accommodation and requires that all new residential development, must be compatible with neighbouring buildings and spaces and not lead to unacceptable living conditions for neighbouring properties through overlooking, noise or vibration, odour, light pollution, overshadowing, loss of natural light or sense of enclosure. Development should be of an appropriate layout with sufficient usable space and contain windows in all habitable rooms to facilitate comfortable living conditions with natural light and ventilation.
- 2.25 The proposed dwelling would be approximately 6m wide x 12.5m in length. The eaves height would be 3.4m in height above ground level, the riapproximately 6.8m. The application site, part of the original garden area of No. 22, lies directly adjacent to The Malthouse on Chequers Court. The proposed dwelling would be located to the northeast of The Malthouse where there is a ground floor window in the flank elevation serving a habitable room. The proposed dwelling would be located 3.6m from this window.
- 2.26 The extant permission for the garage building DOV/20/00524, included a ridge height of 6.6m. The approved scheme was therefore 0.2m lower, however sited closer to The Malthouse by 0.3m. There is 14m between the proposed front elevation and the rear elevation of Barley House. There is a 16m between the front elevation of The Malthouse

and the rear elevation Barley House and it is not considered this would be substantially different.

- 2.27 Under DOV/20/00524, the extant permission for conversion of the garage to a dwelling. The approved plans did include an angled projecting window to the front elevation at first floor, with obscured glass to the western pane, in order that loss of privacy would not occur to existing residential amenities. The front elevation for this proposal is sited in the same location as DOV/20/00524 and it is considered that the same or a similar angled window should be included in this proposal in order to prevent any potential loss of privacy. The proposal as submitted does not include such a window, however it is considered that this can be secured by a planning condition.
- 2.28 It is recognised that the introduction of an additional dwelling 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.
- 2.29 With regard to the rear of properties on The Street, the building would be some 29-30m from the principal rear elevations of those dwellings, which is a sufficient distance to avoid undue loss of privacy.
- 2.30 The proposed accommodation has windows serving habitable rooms and a rear garden. It is considered that the accommodation is of an acceptable standard. In conclusion, it is considered that the proposal would not result in any unacceptable impacts to the living conditions of adjacent properties and would provide an acceptable environment for the future occupiers of the proposed dwelling. The proposals are considered to accord with draft policy PM2 and the aims of the NPPF.

#### Highways/Parking

- 2.31 Paragraph 111 of the NPPF 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.
- 2.32 Draft policy TI1 states that development should, in so far as its size, characteristic and location, be readily accessible by sustainable transport modes through the provision of high quality, engineered, safe and direct walking and cycling routes within a permeable site layout, contribute to sustainable transport proposals including off-site improvements to cycling and walking routes and public transport facilities, and make provision for secure cycle parking and storage in accordance with the Parking Standards.
- 2.33 Draft policy TI3 requires proposals to meet the requirements of Kent Design Guide Review: Interim Guidance Note 3 in relation to vehicle parking. Policy DM13 sets requirements for parking provision in compliance with SPG4 which sets out standards for the maximum number of parking spaces.
- 2.34 Access to the site would be via the existing private driveway approximately 4m in width by 42m in length. The proposal will result in some intensification of the driveway with the additional household. However, the extra vehicle activity associated to and from the site was not considered to present significant highway concerns. Two parking places would be provided for each of the proposed and the existing dwelling at No. 22 with turning space available for use by all occupants, so that cars can enter and leave in a forward direction.
- 2.35 These arrangements will provide sufficient space for occupants although no facilities are available for visitors. Whilst this is not ideal, 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

(policy requirement being 0.2 visitor spaces) would cause a highway safety issue or amount to a severe cumulative impact on the highway. To conclude it is considered that the proposals would accord with draft policies and the aims of the NPPF.

### Ecology

- 2.36 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.
- 2.37 The application relates to a residential garden area, with a garage formally located in the location proposed for the new dwelling. A preliminary ecological assessment or species surveys are not considered necessary in this instance.

### Drainage Issues

- 2.38 The site is located in flood zone 1 and groundwater source protection zone 3. There is a public sewer located at the rear (southeast) of the site. Southern Water have advised that the exact position must be determined on site in consultation with Southern Water before the layout of the proposed development is finalised. They have also advised standoff distances for construction works, development, trees and surface water drainage features which will be set out in an informative on the decision notice.
- 2.39 The application form states that means of foul drainage is unknown and that a soakaway would be provided for surface water drainage. A connection for foul water drainage would be subject to necessary permissions.

## **3. Conclusion**

- 3.1 The application proposes the construction of a chalet bungalow and is considered to be of an acceptable design in accordance with draft policies PM1 and PM2 and compatible with its surroundings. The dwelling 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, it is considered that the dwelling would not result in an unacceptable impact on the visual amenities of the locality and would preserve the character and beauty of the AONB.
- 3.2 The proposal would make a minor contribution towards the housing stock in the district involving development within the settlement confines. It is considered that the proposal would not lead to undue environmental harm and would provide a small economic opportunity through the construction phase.
- 3.3 It is recognised that the introduction of a dwelling in this location will alter outlook for existing residents, however there is a sufficient degree of separation and the proposal is of a height to maintain an acceptable level of residential amenity.
- 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 accord with the overarching aims and objectives of the NPPF and it is recommended that planning permission should be granted.

## **g) Recommendation**

- I PLANNING PERMISSION BE GRANTED subject to the following conditions:

1. Time limit
  2. Plans
  3. Materials
  4. Submission of details of enclosure/ landscaping
  5. Provision of parking
  6. Provision of cycle storage
  7. Provision of refuse/ recycling store
  8. Removal of permitted development rights for additions to roof
  9. Details of angled window with screened glazing to first floor front elevation
- 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

Nicola Kingsford