

- a) **DOV/23/00553 – Erection of a detached dwelling with electric charging point and associated parking - 17 Church Street, Walmer**

Reason for Report: Number contrary views (13)

- b) **Summary of Recommendation**

Planning Permission be GRANTED

- c) **Planning Policy and Guidance**

Dover District Core Strategy (2010) Policies CP1, DM1, DM13

Draft Dover District Local Plan (March 2023) Relevant policies: SP1, CC2, PM1, PM2, TI3, HE1 and HE2

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.

National Planning Policy Framework (2021) (NPPF) Paragraphs 2, 7, 8, 11, 130, 189-208

Section 72(1) of Planning (Listed Buildings and Conservation Area) Act 1990

Nationally Described Space Standards (2015)

- d) **Relevant Planning History**

DOV/06/01406 - Erection of detached 3no. bedroom dwelling and construction of vehicular access – Refused – Appeal APP/X220/A/07/203865 - Dismissed

DOV/17/00955 - Erection of a first-floor side extension and front lower roof changed to pitched – Granted

DOV/21/01760 - Erection of a detached dwelling with electric charging point and associated parking – Granted.

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

Walmer Town Council – No objections provided conditions are added to mitigate risk of flooding; replacement of trees to be removed and construction management plan to include traffic management plan to prevent large lorries from arriving/delivering or being on site outside of the hours of 10-3 due the narrowness of the road

Southern Water – no objections raised – information provided for the applicant.

Third Party Representations - A total of 13 individuals have raised objections to the proposal summarised as follows:

- No parking provision and pressure on parking in an already congested area
- Extra traffic generated
- Unable to access road safely due to parking on the road
- Loss of trees
- Overdevelopment of plot
- Will not be affordable
- Negative impact on Conservation Area
- Detrimental to historic properties
- Overshadowing and loss of privacy to 13 Church Street

1 **The Site and Proposal**

- 1.1 The application relates to land to the southeast of 17 Church Street, which is located to the southwest of Church Street, set within the Upper Walmer Conservation Area and within the settlement confines. The site is bounded by 17 Church Street to the northwest, 13 Church Street to the southeast and Chapter House to the southwest as shown on Figure 1. Opposite the site is Wingrove House and 22 Church Street, both of which are Grade II listed.



Figure 1: Proposed block plan

- 1.2 The application is for the erection of a single storey 2no. bedroom dwellinghouse. The dwellinghouse would be orientated northeast to southwest, and would have a shallow pitched roof, white painted timber frame windows and a timber front door. The proposal also includes the creation of a parking space, a cycle storage area and allocated recycling/ refuse storage area.
- 1.3 The applicant received approval for a dwelling in this location under DOV/21/01760. This application is a larger property, which is 0.5 metres closer to 13 Church Street, and extends to the northwest into the previously approved garden space. The proposed dwelling remains a 2-bedroom, single storey property, which also benefits from a utility space and separate kitchen rather than an open plan design on the previous application. The proposed floor plans are shown in figures 2 and 3.



Figure 2: Previously approved floor plan (DOV/21/01760) (left) Proposed floor plan (right)

2 Main Issues

2.1 The main issues for consideration are considered to be:

- The principle of the development
- Impact on conservation area and visual amenity
- Residential amenity
- Highway safety
- Ecology

Assessment

The Principle of the Development

- 2.2 The site is located within the settlement confines and the creation of residential accommodation in this location would accord with Policies CP1 and DM1. As such, the development is acceptable in principle, subject to impact on visual and residential amenity and other material considerations discussed below.
- 2.3 An extant planning permission, DOV/21/01760 also exists for the construction of a dwelling on the same site which is a material planning consideration of significant weight, as the principle of a dwelling of a similar scale has already been approved.

Impact on Conservation Area and Visual Amenity

- 2.4 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). Furthermore, Paragraphs 201 and 202 require that regard must be had for whether development would cause harm to any heritage asset (both designated and non-designated), whether that harm would be substantial or less than substantial and whether, if harm is identified, there is sufficient weight in favour of the development (public benefits) to outweigh that harm. Regard must also be had for Section 72(1) of Planning (Listed Buildings and Conservation Area) Act 1990 which states that, 'In the exercise, with respect to any building or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 2.5 The application site sits within the Upper Walmer Conservation Area (CA). The general finish of the buildings are brick or render with timber frame windows. Whilst there is some variety in the street, the context is of similar proportioned buildings set within a regular historic street pattern on the opposite side of Church Street. The properties to the southeast of Church Street are detached/ semi-detached and differ in size and scale. The external finish of the proposed dwellinghouse is brick, with a low-pitched slate roof and white painted timber framed windows which would be a side hung casement design. The front door would have a traditional style timber frame with glazed panels. The design of the property is sensitive to the conservation area and will not result in a property that is out of keeping within the street scene.
- 2.6 The existing wall and hedgerow which sit along the northeast boundary of the site would be retained, this would largely obscure views of the proposed dwellinghouse. It is therefore considered that it would not result in a visually intrusive addition to the street scene.
- 2.7 For the above reasons, the development is considered to be acceptable in this location and is not visually inappropriate to its context. It is therefore considered to preserve the character and appearance of the conservation area in accordance with paragraphs 130, 189-208 of the NPPF and HE2 of the Draft Local Plan.

Residential Amenity

- 2.8 The main windows on the proposed dwellinghouse face northwest, towards the proposed 1.8-metre-high fence separating the existing garden of 17 Church Street. There is one window on the southeast elevation which serves a bathroom and would be obscured glazing. Therefore, there will be no impact on privacy to neighbouring properties. Due to the location of the proposed dwelling and its relationship to neighbouring properties, there will be no overshadowing as a result of the proposal.
- 2.9 In respect of the residential amenity of the future occupiers of the dwellinghouse, the rooms meet the Nationally Described Space Standards and would have access to a large garden space. It is therefore considered that the proposed occupiers would have a good standard of amenity in line with Paragraph 130 of the NPPF and PM2 of the Draft Local plan.

Highway Safety

- 2.10 While concerns have been raised by third parties regarding the visibility from the access / driveway, the proposed parking and access to the new property would be via an existing entrance used by 17 Church Street.
- 2.11 Policy DM13 sets out that dwellings of this size, in this location should provide one parking space. As one parking space has been provided, together with a turning space, the development would accord with Policy DM13 and Draft policy TI3.

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

- 2.12 The impacts of the development have been considered and assessed. There is also 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. Accordingly, it is noted the site is located within the Thanet Coast and Sandwich Bay SPA Zone of Influence set out in the Submission draft Local Plan, Policy NE3.
- 2.13 Detailed surveys at Sandwich Bay and Pegwell Bay have been carried out and 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. A Strategic Access Mitigation and Monitoring Strategy (SAMMs) has therefore been adopted in order to monitor potential impacts on qualifying bird species of the SPA arising from development in the District and to provide appropriate mitigation of the cumulative impact of additional housing development through a range of management and engagement methods. These methods and monitoring of their effectiveness are to be funded by financial contributions from new residential development coming forward within the 9km Zone of Influence as set out in draft Policy NE3. Accordingly, a contribution is sought for this proposed dwelling.
- 2.14 Subject to this contribution being secured (through a Unilateral Undertaking), the mitigation measures will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

Other Considerations

- 2.15 A number of objections make reference to the site being in an area prone to flooding. The site does not sit within a Flood Zone.
- 2.16 A number of objections make reference to a Yew Tree being impacted by the proposals. TPO/07/00016 sits to the north of the proposed dwelling. The tree, nor its roots would be impacted by the proposed dwellinghouse.

3. Conclusion

- 3.1 The principle of a dwelling on the same site has already been established and there is an extant planning permission. The proposed dwelling, due to its design and appearance, would not be out of keeping with the immediate character and appearance of the conservation area or the surrounding area. There would be no harm to residential amenity or highway safety. Consequently, the proposals would not conflict with the overarching aims and objectives of the NPPF and it is

recommended that planning permission should be granted following completion of a unilateral undertaking.

g) Recommendation

I Planning permission be GRANTED, subject to the completion of a Unilateral Undertaking for the SAMMs contribution and imposition of the following conditions:

- (1) 3-year time limit
- (2) Approved plans
- (3) Details condition for joinery
- (4) Cycle and bin storage
- (5) Retention of hedgerow
- (6) Protection of Yew Tree

II Powers be delegated to the Head of Planning and Development to settle any necessary issues in line with the matters set out in the recommendation and as resolved by planning committee.

Case Officer

Amber Tonkin