

- a) **DOV/22/01577 – Erection of a detached two-storey dwellinghouse, two detached garages and rear extension to the existing dwelling (existing garage to be demolished) – Horseshoe Bungalow, Mill Lane, Preston**

Reason for report – Number of contrary views (14)

- b) **Summary of Recommendation**

Planning permission be granted, subject to a unilateral undertaking

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM11, TI1

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. Relevant policies: PM1, SP1, SP2, SP4, SP14, SP15, CC8, NE3, TI1, TI3, HE1, HE2

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 84, 130, 174, 180, 199, 201, 202.

National Design Guide & National Model Design Code (2021)

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

Preston Village Design Statement (2008)

- d) **Relevant Planning History**

DOV/14/00094- Fell one Willow and one Fir Tree – Granted

DOV/11/00724- Fell one Willow and one Fir Tree – Granted

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

Representations can be found in the online planning file a summary is provided below:

Preston Parish Council – No objection to the alterations to the existing cottage. Object to the new dwelling for the following reasons – Not in accordance with the Village Design Statement which seeks to maintain the character of large houses on large plots; development would be cramped; detrimental to the Conservation Area; adverse impact on the adjacent listed building; precedent for backland development if approved; negative impact on traffic movements (narrow lane); design, location and form of dwelling unacceptable.

Southern Water – Advise that there is a rising main sewer under the existing development. The applicant will therefore need Southern Water approval before works commence. An investigation will need to be undertaken of the sewer to confirm its size and depth, condition and number of properties served together with potential access to it. In order to protect the drainage apparatus request a pre-commencement condition be attached to any permission to ensure protection of the public rising main. An informative should also be attached to ensure the necessary procedures for consent.

DDC Heritage – no objections. Application concerns a single residential unit partly within The Street Preston Conservation Area. The site is adjacent to a grade II listed building. The proposed dwelling would be located to the rear of the site, with the existing bungalow retained, extended and updated. The existing driveway would be utilised for both units. Garages to both would be located to the rear. In terms of any impact on the setting of the listed building it is noted that there is an existing single storey outbuilding which would shield the dwelling from intervisibility: the listed building has key features of note including a flint tower to the rear which can only be fully appreciated when within the direct setting of the listed building and will not be visible from the development site.

The Heritage Statement has identified Horseshoe Bungalow as having some positive contribution to the character and appearance of the conservation area. I agree with this assessment. The proposed rear extension improves the appearance of the building by introduction of a pitched roof form. I recommend a joinery detail condition to ensure that the function of the proposed new windows is correctly detailed as sliding not top hung sashes. These details will further protect the historic character of the conservation area.

Due to position on the site, land levels and the form and mass of the proposed new dwelling it will not in my view be harmful to the character of the conservation area. It could potentially be slightly viewed at a point between Horseshoe Bungalow and the adjacent property, however this is not considered to be a significant viewpoint within the conservation area. In addition, it would be interrupted by the proposed garage to the fore (appropriately simply designed as a cart shed). At most part of the roof of the proposed dwelling would be visible but not to an extent that it would have a substantial visual impact in the conservation area.

DDC Tree and Horticulture – Initially further information was sought due to the lack of details on trees on the western and southern boundaries. Subsequent comments confirm there is no objection providing that the recommendations as set out in the Pre-Development Tree Survey and Report are adhered to and that a landscaping proposal is submitted to replace the trees that have been removed over recent years.

Note: The trees subject of TPO No 7 of 2010 were removed under various consents.

DDC Ecologist – considering the ecological submissions, it was noted that the site had the potential for ecological impacts to arise. Namely on species including bats (roosting, foraging and commuting); nesting birds; amphibians and reptiles if the grass remains unkempt and hedgehogs. A further bat survey was requested to confirm the presence/likely absence of roosting bats in order to assess the level of impact and potential mitigation necessary. The Bat Emergence Survey Report confirmed that the roof of the existing dwelling is used as an occasional day roost for the Common Pipistrelle. Therefore a licence will need to be granted by Natural England for the works to the existing bungalow.

KCC Highways – would not normally have commented on the application under the protocol for consultation, however, it was considered that their comments would be helpful in light of the nature of the objections. Plans were amended to show more detail in relation to the width of the road and the potential passing places; no objection to the proposals, however the gate at the front of the site should be removed to ensure ease of access.

Third party Representations: 14 objections have been received and are summarised:

- The proposals aren't necessary

- Increase in traffic on a narrow, rural lane
- Increase in on street parking
- Harm to character of the area, CA's should be preserved not built upon
- Overlooking
- Out of keeping with plot sizes, backland development
- Plans flawed as don't acknowledge a strip of land owned by another property
- The proposal will be visible from the CA once the village all is demolished
- No comparison of the proposal to the former historic use of the site (farm buildings)
- No reference to the bungalow that adjoins the site
- Members should visit the site

f) 1. The Site and Proposal

- 1.1 The application relates to an existing detached dwelling and its curtilage that is accessed off Mill Lane, Preston. The site is located within the settlement confines and the front two-thirds of the site is within The Street Conservation Area Preston.
- 1.2 The existing dwelling, Horseshoe Bungalow, has an elongated frontage along the back of Mill Lane, there is no footpath accessing the site. Vehicular access is taken between the site and The Street Farmhouse and is gated. There is a second access (pedestrian) on the eastern side of the dwelling. Horseshoe Bungalow is currently unoccupied and requires obvious refurbishment and external improvements.



Photo 1 Horseshoe Bungalow, Mill Lane

- 1.3 Adjacent to the site on the western side is The Street Farmhouse - a Grade II listed dwelling. On the eastern side is Holly Lodge; the rear curtilage of Horseshoe Bungalow wraps around the rear of this dwelling. On the far eastern boundary the Preston Community Centre is situated – it is noted that planning permission was given for the demolition and rebuild/relocation of this in October 2020, to date works have not commenced on site.



Photo 2 Holly Cottage in foreground

- 1.4 The garden contains a garage set to the rear. There are trees primarily along the southern and western boundaries of the site. A single storey dwelling, Pickle Cottage, that was previously a garage situated within the curtilage of The Street Farmhouse is on the western boundary with the site beyond Street Farm House.
- 1.5 Preston is defined as a 'Village' within the Settlement Hierarchy at CP1 of the Core Strategy. The Local Plan confirms that the village provides a village hall, church, primary school, playing field, public house, village shop, butcher and a farm shop.

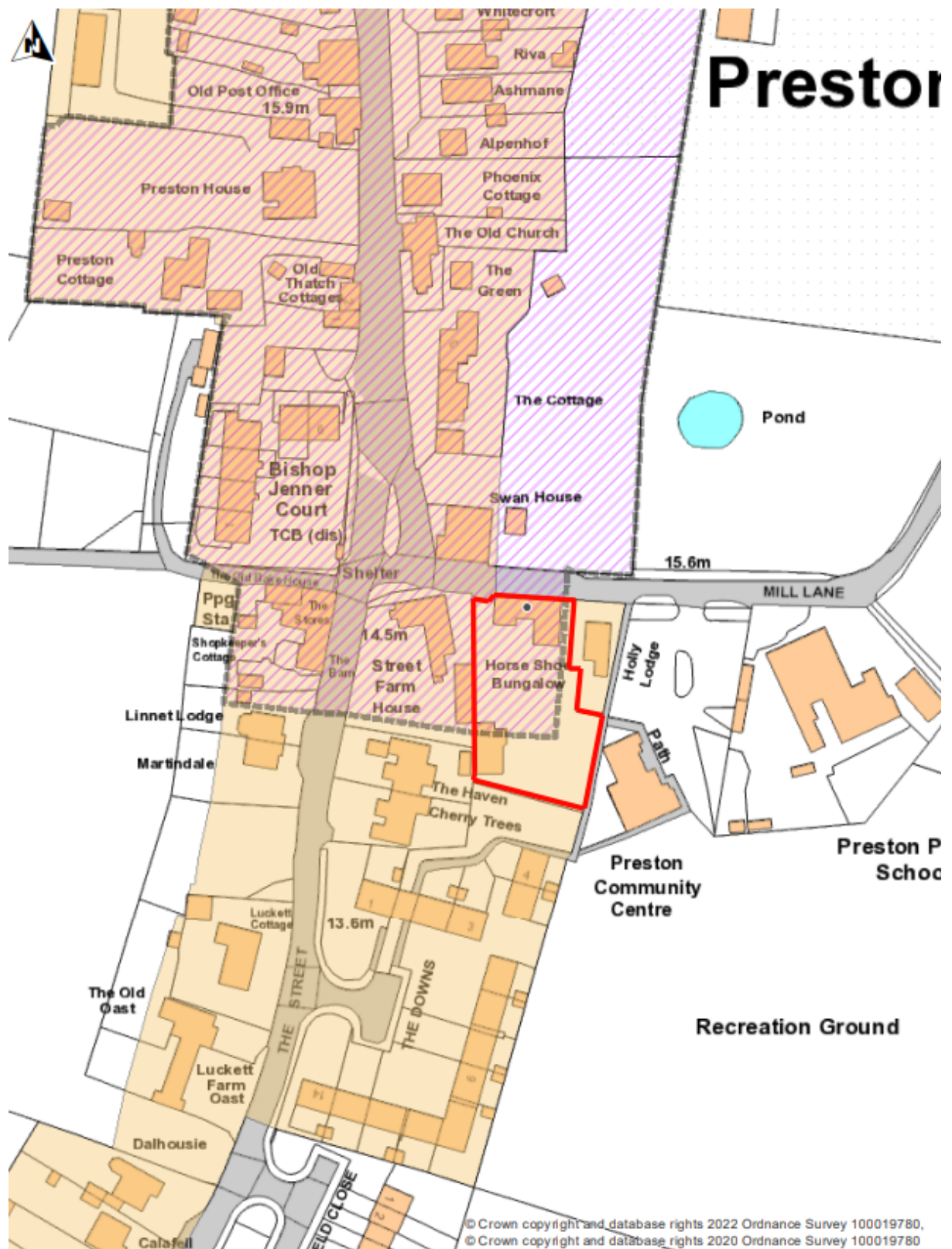


Figure 1 – Site location plan with settlement and Conservation Area boundaries

1.6 The proposal is two-fold. The existing dwelling at the front of the site will be modernised to create additional living space. This will include a full width extension across the rear of

the property allowing for additional living space at ground floor and bedrooms created at first floor. There will no alterations to the ridge height of the dwelling.



Figure 2—proposed site layout

1.7 Improvements are proposed to the windows, comprising the replacement of the 20th century windows with traditional sash windows and the chimney to be relocated. In order to facilitate bedrooms in the roof, the south elevation will have a steeply pitched section between the two gables ends with a dormer window. The proposed layout incorporates 4 bedrooms with ensuite, kitchen/diner/living area, snug and utility. A small porch will

provide the main entrance at the rear of the dwelling. A car barn with parking for two cars will be provided behind the dwelling.

- 1.8 The second part of the proposal is for a new 3/4 bed dwelling to be built in the rear garden together with a detached car barn. The existing garage will be demolished. The new dwelling is of similar footprint, bulk, scale and form as the proposed modified Horseshoe Cottage – it will also provide 4 bedrooms, a kitchen/diner, open plan living area off the lobby and snug.

2. Main Issues

- 2.1 The main issues for consideration are:

- Principle of the development
- Impact on heritage assets
- Design and impact on residential amenity
- Highway safety
- Trees
- 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 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 application site is located within the settlement confines and therefore acceptable in principle subject to all other material considerations.
- 2.4 Policy DM11 requires that, applications which would increase travel demand should be supported by an assessment of traffic generation and include measures to maximise walking, cycling and the use of public transport. The policy also states that development that would generate travel will not be permitted outside of the settlement confines. Finally, the policy states development that would generate high levels of travel will only be permitted within urban areas or can be made to be, well served by a range of means of transport. Whilst the policy is not considered to be fully out of date, it does attract reduced weight in this instance, having regard to the site within the settlement confines and access to public transport namely bus services. It is considered the proposal would not significantly increase travel demand and therefore comply with the aims and objectives of policy DM11.
- 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 TI1 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 creates opportunities for active travel. Policy SP4 identifies Preston as

suitable for windfall development within its confines. Policy T11 requires opportunities for sustainable transport modes to be maximised and that development is readily accessible by sustainable transport modes. The location of the site is within the settlement confines with good access to public transport (bus stops), and the limited amenities that Preston offers. It is considered the proposal accords with Draft Policies SP1, SP2, SP4 and T11. However, given that the plan is at examination stage, these policies can only be given moderate weight at this time.

- 2.7 Backland development is not prohibited under current planning policies, the NPPF and planning guidance. Applications are assessed on a case by case basis. Whilst the comments in relation to the Preston Village Plan are respectfully acknowledged, the application has been assessed against all material considerations and current planning guidance. Matters such as the need to maintain the size of the existing plot could not amount to a justified reason for refusal.

Impact on Heritage Assets

- 2.8 Due to the proximity of the site to a Grade II listed building and it's partial siting within a conservation area, careful consideration has been given to the impact on Heritage Assets.

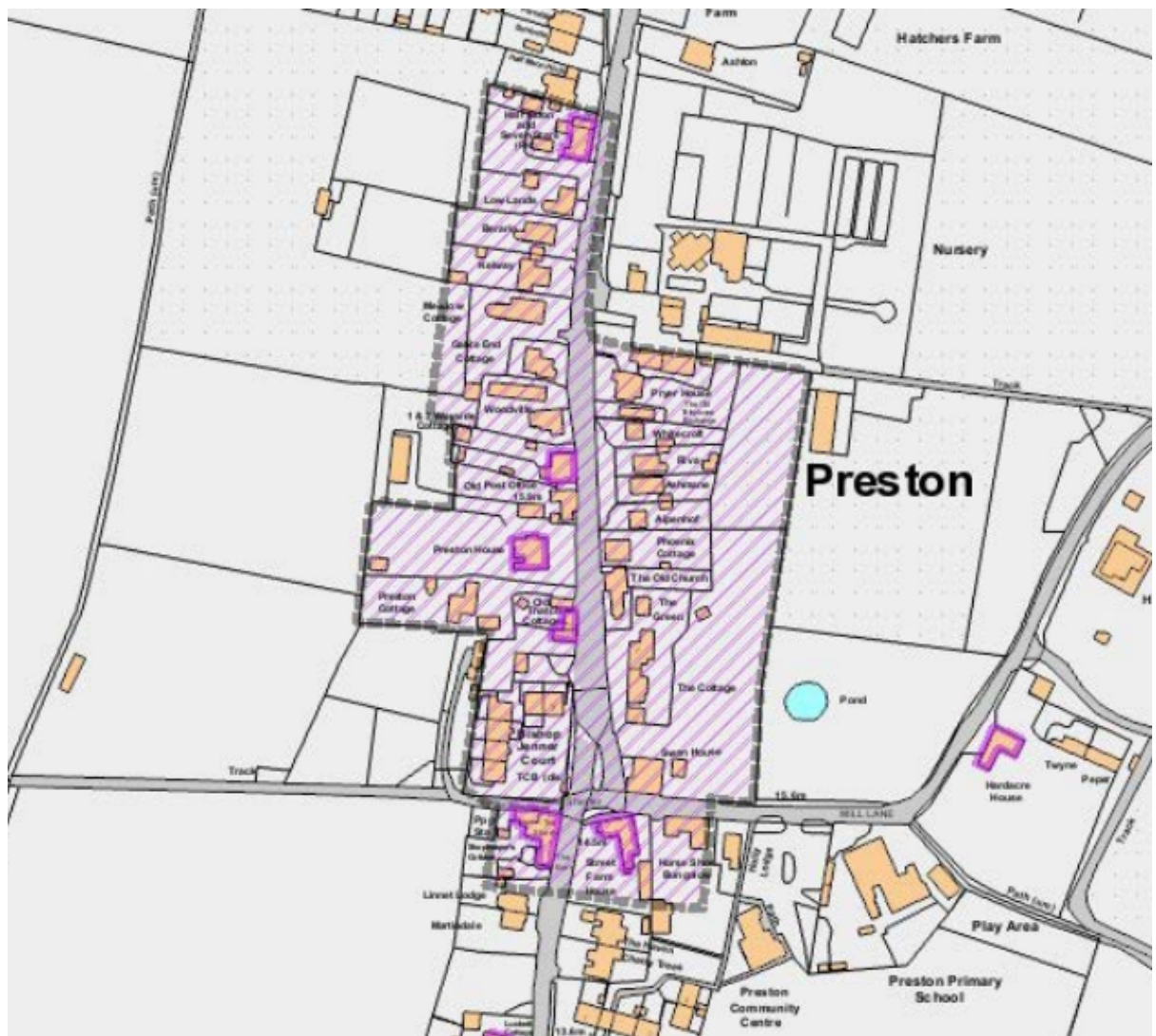


Figure 3 – Listed Buildings within the CA

2.9 Paragraph 194 of the NPPF states that “in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including ant contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understanding the potential impact on the proposal on their significance”.

2.10 Paragraph 199 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The most important the asset, the greater the weight should be. Where development would lead to serious harm the consideration has to be given to the criteria set out in paragraphs 202 and 203 of the NPPF. Draft Local Plan policies SP15, HE1 and HE2 are also material and accord with guidance in the NPPF.

2.11 The proposed works to Horseshoe Bungalow are considered to be of minor significance in that a number of the changes are internal and the overall relationship with the Grade II listed building is of limited change. Horseshoe Bungalow will remain subservient to Street Farm House as shown in Figure 4 below.

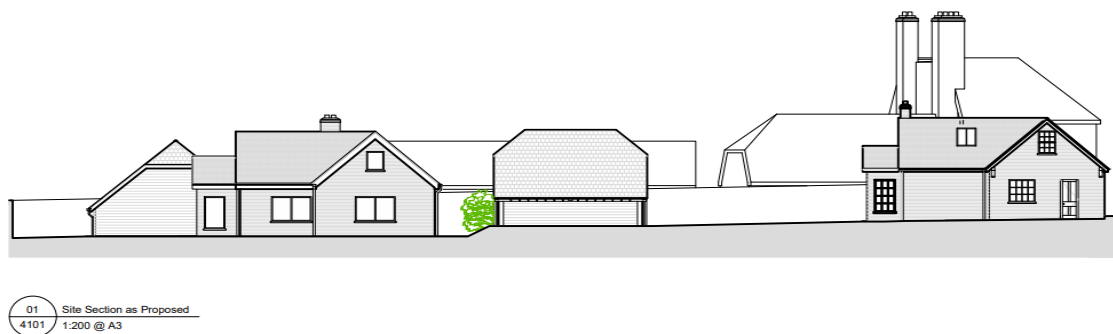


Figure 4 Proposed Section looking west – outline of Street Farm House and Pickle Cottage shown in background

2.12 The main views of the conservation area are from the front of the site where there a no alterations proposed. As such, it is considered that there would be no harm caused to the historic significance of the setting of the listed building from the alterations to Horseshoe Bungalow.

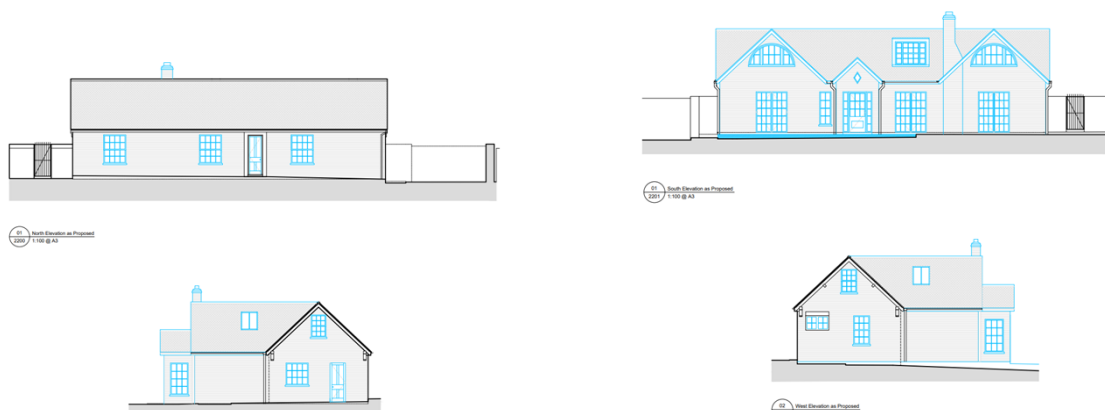


Figure 5 Horseshoe Bungalow proposed

- 2.13 The proposed new dwelling is set to the rear of the existing property. An assessment from the perimeter of the site, the footpath beyond Holly Lodge and looking back towards the conservation area from wider views, has identified that it is apparent that there will be limited views from outside the site and no concern is raised regarding the impact on the character of the conservation area.
- 2.14 Pickle Cottage was formerly the garage of the Street Farm House and has been converted into a dwelling. The rear elevation is located on the side boundary with the application site and acts as buffer between the new build and the Street Farm House, thereby interrupting any intervisibility between the new dwelling and the listed building.
- 2.15 The new dwelling and car barn will be set at a lower level within the site to Horseshoe Bungalow and this together with its sympathetic design, mean that even where there are likely to be glimpses of the development from the conservation area, these will not detract from its character. Views from DDC Heritage, also set out that no concerns are raised with regard to the heritage impact of the proposal and that there is no conflict between guidance within the NPPF or emerging planning policies.



Figure 6 New dwelling elevations

Design and Impact on Residential Amenity

- 2.16 Paragraph 130 (f) of the NPPF states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. Draft policy PM1 and H6 also address design and amenity considerations.
- 2.17 Concerns have been raised in respect of overlooking occurring from the new dwelling to the rear of Holly Lodge. It is noted from the submission that the levels in the rear garden of Horseshoe Bungalow and the proposed siting of the new dwelling will mitigate the impact that the building will have in the immediate locality.



Photo 3 Rear of Horseshoe Bungalow and beyond Holly Lodge

2.18 The new dwelling will have an overall height of 5.5m. The principal elevation will face south, which leaves only a single velux on the northern elevation that is orientated towards Horseshoe Bungalow and not Holly Lodge. The roof pitches away such as to mitigate any perceived dominant impact on this existing property; furthermore, the private garden area of Holly Lodge is to the far eastern side of the property and therefore whilst part of the residential curtilage is at the rear of Holly Lodge (a chalet bungalow) the actual new build is to the rear of Horseshoe Bungalow and separated by the proposed new car barn. Therefore, whilst the objectors concerns have been considered regarding the distance between the plots, it is not considered that there will be an unacceptable relationship between the proposed and existing properties.



Photo 4 Rear of Pickle Cottage, Chimney of Street Farm House and Horseshoe Bungalow

- 2.19 Pickle Cottage has a rear wall with one small opening onto the western boundary of the application site. There is only one first floor window proposed on the new dwelling that is on the west elevation. The window is to serve a bathroom and therefore can be obscure glazed. Due to height differences and orientation it is not considered that this window will cause a loss of privacy between the two dwellings.
- 2.20 In conclusion, the siting, design, layout, together with boundary treatment, orientation and car barn placement are such that no concern is raised regarding overlooking between existing and proposed dwellings and this accords with the identified draft planning policies and the NPPF.

Highways

- 2.21 Representations have been submitted that raise concerns over highway and pedestrian safety. Mill Lane does not have a footpath across the site frontage and the road can be busy at peak times when the primary school, that lies further east along Mill Lane, is being accessed.
- 2.22 The vehicular access into the site is existing, however it is currently gated at the front of the site. KCC Highways would not normally comment on a proposal such as this however, have advised that if the main gate into the site is removed this will make movements to and from the site simpler in the event that vehicles meet when accessing both properties at the same time. A condition can be imposed to ensure that the front gate does not form part of the boundary treatment. No concerns were raised by KCC Highways with regard to general impact of additional vehicles from one new property.
- 2.23 Paragraph 111 of the NPPF sets out that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this instance, it is considered the additional dwelling would not create a significant increase of movements at an existing access.
- 2.24 Policy DM13 of the Core Strategy sets out that provision for parking should be a design led process based upon characteristics of the site, locality, nature of the proposed development and its design objectives. The allocated parking provision within the site and the internal gates that serve each of the dwellings is in accordance with the design guidance, along with draft policy T13. For these reasons set out above, the proposed development is considered to accord with policies DM11, DM13 and draft policy T13.

Trees

- 2.25 The site has existing trees on the western and southern boundaries. There are no trees within the site. The DDC Arboriculturist has confirmed that some trees were permitted to be removed under the relevant consent process and these were subject to a TPO, replacements were not sought.
- 2.26 The trees on the southern boundary comprise a mix of Leylandii, Beech and Poplar trees. A tree assessment has confirmed that these are very poor quality and have suffered damage over recent years. One of the Lombardy trees has significant decay and is deemed unsafe. It is proposed to replace all the trees with a new landscaping scheme of native species. The leylandii hedge on part of the western boundary is to be retained and reduced to a manageable 3m in height. The reports findings have been

agreed in full and the recommendations within can be addressed through planning conditions. Accordingly there is no objection to the proposal in relation to trees within the site, draft policy CC8 and guidance in the NPPF.

Ecology

- 2.27 An ecological assessment found evidence of the use of the existing dwelling as a day roost for Common Pipistrelle bats. It would not be possible to undertake the necessary repair works to the roof of Horseshoe Bungalow without disturbance to the habitat. Other evidence of ecological interests were also identified. A protection species licence will need to be issued by Natural England for further works on the existing dwelling.
- 2.28 The DDC ecological officer has advised that the Pipistrelle is a common bat found in East Kent and that the works will not compromise the population of this species. The works will invariably displace a day roost for the Pipistrelle but this can be re-provided in a mitigation and biodiversity scheme for the site that can be controlled through planning conditions. This approach accords with NPPF policies 174 and 180 that seek to protect ecology and biodiversity.
- 2.29 Consideration needs to be given to draft policy NE3 in the emerging plan. The policy sets out development which is located within the 9km zone of influence of the Thanet Coast and Sandwich Bay SPA will be required under the Habitats Regulations to make a contribution towards SAMMs. The application site is situated outside the zone in influence and no payment is required for this application.

3. Conclusion

- 3.1 The proposal, due to its siting, scale, mass and design would be unlikely to have a negative impact on the character and appearance of the conservation area and setting of the adjacent listed building. Due to the siting of the proposal the visual impact is likely to be minimal and therefore the application is considered to be acceptable. Furthermore, for the reasons outlined above, the proposals are considered unlikely to result in undue harm to the residential amenities of surrounding occupants. Consequently, the proposals accord with the aims and objectives of the NPPF and emerging policies of the local plan.

g) Recommendation

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

1. Time Limit
2. Approved plans
3. External materials
4. Joinery details
5. Boundary treatment
6. Bound surface 5m
7. Southern water sewer pipe details
8. Landscaping details and tree plan
9. Works to trees and recommendations of report
10. Ecological mitigation and biodiversity scheme
11. PD rights removed (new buildings & roof)
12. Parking retained
13. Removal of gate to entrance
14. Provision of cycle and refuse storage and refuse collection point

- 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

Amanda Marks