

a) **DOV/23/00770 – Erection of a dwelling and associated vehicle access – 15 The Grange, Shepherdswell, Dover**

Reason for report – Number of contrary views (7)

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM11, DM13

Draft Dover District Local Plan: The Submission Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process (Regulation 20) the policies of the draft can be afforded weight, but this depends on the nature of objections and consistency with the NPPF. Policies SP1, SP2, SP4, SP14, PM1, PM2, TI1, TI3, NE1, NE2.

National Planning Policy Framework (NPPF) (2023): Paragraphs 7, 8, 11, 110-112, 124, 130, 174, 180

National Design Guide & National Model Design Code (2021)

d) **Relevant Planning History**

Not applicable.

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

Consultations and representations can be found in the online planning file, a summary is provided below:

DDC Trees – Raise no objections, provided that the details/recommendations, in particular tree protection, as set out in the Pre-Development Tree Survey/Report dated 28<sup>th</sup> July 2023 are adhered to. With regard to Section 5.2 of the report, it is agreed that the application site is not subject to a Tree Preservation Order. Though the Councils records a TPO Elm Tree within the garden, there are no Elm trees present. The original Elm may well have been removed and replaced by the existing Beech tree that given its overall size and dimensions is considered unlikely to be in excess of 50 years of age.

Southern Water – requires a formal application for a connection to the public foul sewer to be made.

KCC Highways – The development proposal does not meet the criteria to warrant involvement from the Highways Authority

Shepherdswell Parish Council – Supports the application but has two concerns. The possibility of overlooking The Terrace from the upper east facing windows. Vehicles could be prevented from looking right when existing from The Terrace if vehicles are permitted to park at the front of the dwelling.

Third party Representations: 7 letters of objections have been received. The letters of objection and are summarised below:

- Additional parking pressure in the local area.
- The exit drive will take away one of the limited on street parking spaces in the area.
- Westcourt Lane has a high volume of traffic. The proposal and the presence of parked cars will result in additional hazards to users of Westcourt Lane.
- The existing planting impacts the line of sight when exiting the Terrace and the proposals do not mitigate this.
- The proposed driveway will not be afforded sufficient visibility.
- The addition of the driveway will cause additional hazards to pedestrians.
- The proposed dormers will infringe on neighbouring privacy
- The construction of the dwelling will cause nuisance, disruption and additional traffic.
- Works vehicles will result in additional parking pressure during construction which could give rise to highway safety concerns.
- Concern regarding machinery obstructing the entrance to The Terrace.
- The site has an existing TPO and the proposed dwelling will be closer to this protected tree than other properties in the Grange with a TPO tree.
- The high hedge between the property and the Terrace needs to be maintained.

**e) 1. The Site and Proposal**

- 1.1 The application site relates to the side garden of 15 The Grange, located within the settlement confines of Shepherdswell. The application proposes the subdivision of the plot and the erection of a 1.5 storey 2 bedroom chalet style dwelling and associated parking and landscaping which would front and be accessed via Westcourt Lane.
- 1.2 15 The Grange forms part of a comprehensive late 20<sup>th</sup> century residential cul-de-sac development comprising 19 detached dwellings, set within generous plots, which front and take their access from The Grange. The properties to the south of The Grange, including the application site, rear/side gardens abut Westcourt Lane. 15 The Grange is set within a large plot and abuts the footpath link to the west, Westcourt Lane to the south and The Terrace to the east.
- 1.3 The Terrace comprises a row of two storey period terraced dwellings of a regular design fronting westward onto the Terrace. The remainder of Westcourt Lane is characterised by frontage development of predominantly two/1.5 storey detached dwellings of a variety of sizes, styles and designs, set within good sized plots, with some dwellings set back from Westcourt Lane.
- 1.4 The application proposes to approximately halve the existing plot and erect a moderate sized 1.5 storey chalet dwelling. The dwelling is proposed to be set back from Westcourt Lane by approximately 5-6m, with turning and off street parking to the frontage/east side of the dwelling, together with a footpath and low level planting. The dwelling will be provided with a rear and side garden and it is proposed to retain the existing Beech tree adjacent to the eastern boundary and the high hedgerow along the eastern boundary. The proposed layout of the development is included at Figure 1 below:



**Figure 1: Proposed Site Layout/Block Plan (not to scale)**

1.5 The design of the dwelling has been amended through the application process to incorporate greater detailing and visual interest to the front elevation. The proposed dwelling will comprise a gabled form, with 2 small pitched roof dormers set within the eastern roofslope. The front elevation of the dwelling will comprise a simple, symmetrical design, with a central front door with canopy, windows to either side and a central circular window within the gable, with headers/footers and a brick plinth. The proposed elevations and section of the dwelling are included at Figure 2 below:



**Figure 2: Proposed Elevations and Section Plan (not to scale)**

## **2. Main Issues**

2.1 The main issues for consideration are:

- Principle of the development
- Visual amenity
- Trees
- Residential amenity
- Highways
- Ecology

### **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 The application site falls within the settlement confines of Shepherdswell and comprises garden land associated with 15 The Grange. Under Policy DM1, the erection of residential development within the settlement confines is acceptable in principle, subject to material considerations. Draft Policy SP4 relates to windfall residential development and permits residential development or infilling of a scale that is commensurate with the existing settlement within or immediately adjoining the settlement boundaries. The NPPF seeks to direct development towards sustainable locations.
- 2.4 The erection of a single dwelling would form a commensurate infill development within the settlement confines of Shepherdswell which would be compatible with Policy DM1 and Draft Policy SP4 and the overarching aims and objectives of the NPPF. The development is therefore considered to be acceptable in principle, subject to the assessment of all other material planning considerations.

#### Visual Amenity

- 2.5 Paragraph 130 of the NPPF sets out that planning decisions should ensure that development functions well and adds to the overall quality of the area, is sympathetic to local character, including the surrounding built environment, whilst not preventing or discouraging appropriate innovation or change. Draft Policy PM1 requires all development to achieve a high quality of design, which promotes sustainability and fosters a positive sense of place.
- 2.6 The surrounding area is an established residential area which contains a range of characters and building types including the suburban late 20<sup>th</sup> century cul-de-sac development at The Grange, the regular terraced development at The Terrace and the more varied, street frontage development to the remainder of Westcourt Lane. The application site is located adjacent to these three areas and comprises the large side garden of 15 The Grange which abuts Westcourt Lane.
- 2.7 The proposed development would alter and form an addition to part of the existing cul-de-sac; however, the application site is located to the south east

corner of this development, immediately adjacent to The Terrace and Westcourt Lane to the east and south respectively. The dwelling would front and take its access from Westcourt Lane and would be set back from the building line of The Terrace, being predominantly seen within the context of these areas. Through its location, relationship with the surrounding built development and the large size of the rear garden to be subdivided, it is considered that the proposed dwelling and plot could be comfortably accommodated in the locality. The proposal would form a transitional form of development in relation to the Terrace and The Grange that would suitably relate to the character and pattern of development of Westcourt Lane opposite. The surrounding pattern of development is included in Figure 3 below:



**Figure 3: Site Location Plan demonstrating existing/proposed pattern of development (not to scale)**

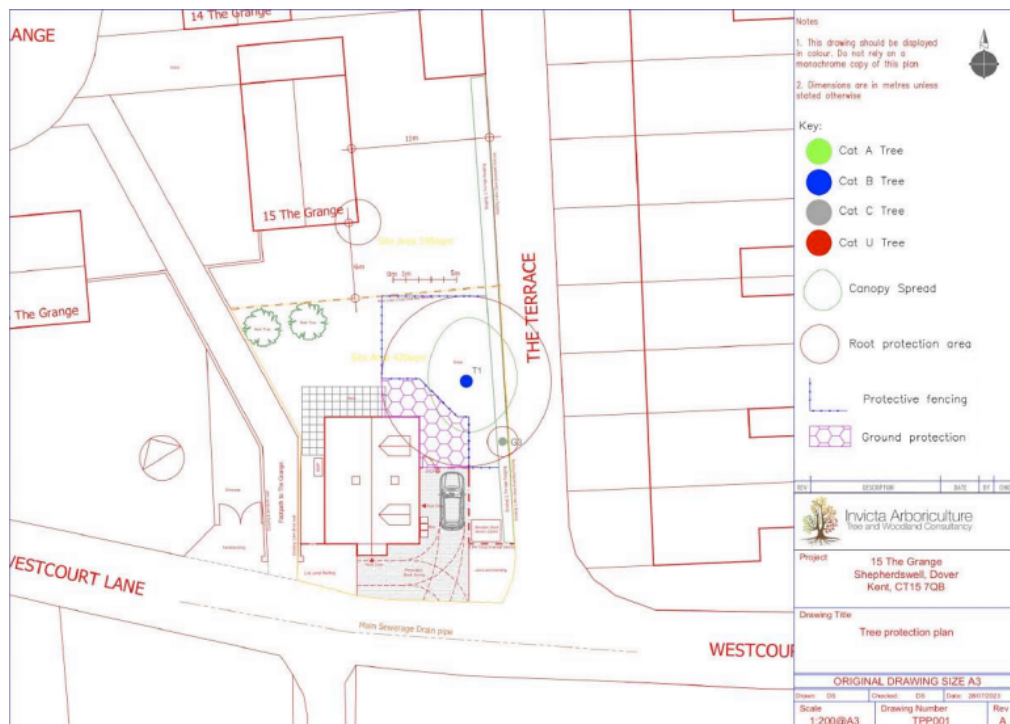
- 2.8 The proposed subdivided plots, whilst smaller than those within The Grange, would not be substantially so, and would reflect similar plot sizes within Westcourt Lane. The moderate scale of the dwelling and its gabled, chalet formation, which will hip away from built development on either side, together with the separation distance to the boundaries and adjacent development would form a comfortable development within the street scene.
- 2.9 The dwelling, through its form and design would comprise a simple and unassuming dwelling which would relate to the varied dwelling types and designs along Westcourt Lane. The proposed dwelling would incorporate sufficient design detailing, particularly to its front elevation, which will provide visual interest. The proposed material palette of light brown bricks with red/orange brick soldier courses, red/brown tiles to the roof and dormers, together with UPVC fenestration would reflect and integrate with materials present in the locality.
- 2.10 In terms of layout and landscaping, the development will accommodate hard surfacing to part of the frontage and eastern side of the dwelling to accommodate

parking and turning facilities, together with a footpath across the front of the site which would connect with the existing alleyway. Each side of the parking will comprise low level planting. This arrangement is considered to provide a suitable balance between hard and soft landscaping to the frontage, which will not be out of character with the surrounding area and would improve connectivity with the surrounding footpath network. The proposed and retained boundary treatment is considered to be appropriate and compatible with the locality.

2.11 Overall, the proposed development is considered to form a suitable and compatible development which responds to and integrates with the surrounding built environment. The proposal would therefore accord with Draft Policy PM1 and the NPPF.

### Trees

2.12 The application site contains 1 semi-mature Beech tree adjacent to the eastern boundary which is proposed to be retained, 3 Leyland Cypress adjacent to the southern boundary which are to be removed to facilitate the development and 1 Leyland Cypress hedge along the eastern boundary which is also proposed to be retained. The application is supported by a pre-development tree report, which details the condition of the existing trees/hedge, the works proposed and recommended protection measures. The proposed Tree Protection Plan is included at Figure 3 below:



**Figure 3: Proposed Tree Protection Plan**

2.13 The proposal would involve the retention of the Beech tree and hedgerow which have the greatest amenity value to the site and contribute to the visual amenity of the local area, which is supported. The dwelling will be provided with sufficient clearance to the retained tree and hedgerow to prevent damage and likely future

pressure to fell/significantly prune. The removal of the 3 Leyland Cypress trees which are detailed to have presence of die back is considered to be acceptable and would have a limited impact on the amenity of the locality. DDC's Tree Officer raised no objections to the development, provided that the recommendations, particularly the tree protection measures, in the submitted tree report are adhered to, which can be secured by condition.

- 2.14 It is noted that the GIS mapping details records a TPO Elm tree within the garden. However, no Elm tree is present, which is likely to have been removed at some point and could have been replaced by the Beech tree. In any case, the impact upon trees is considered to be acceptable.

#### Residential Amenity

- 2.15 Section (f) of Paragraph 130 of the NPPF requires development to provide a high standard of amenity for existing and future users. The proposed location of the dwelling, its moderate scale and gabled form, and its relationship and separation distance to the surrounding adjacent properties would not give rise to harm to the residential amenities, deriving from the built form of the proposed dwelling.
- 2.16 In terms of overlooking, the proposed primary windows serving the bedrooms will be located within the dormers to the eastern side of the dwelling at first floor level. These windows will face towards The Terrace and the public facing front elevation of dwellings in The Terrace. A separation distance of approximately 18m will be provided to these dwellings. Given this distance and the orientation of the adjacent dwellings, the proposal will not result in harmful overlooking to these adjacent properties. Limited, oblique views will be possible from these windows to the rear garden of 15 The Grange, which are not considered to be significantly harmful. The western roofslope will contain 1 rooflight, which will serve the stairwell, which given its position and the area served, will not result in harmful overlooking to the adjacent neighbour to the west. The circular first floor window to the rear elevation is a secondary window and will be conditioned to be obscure glazed. The remaining windows, by virtue of their position and relationship with adjacent properties will not result in harmful overlooking.
- 2.17 In terms of the living conditions of the future occupants, the proposed dwelling would be provided with a comfortable internal layout and would exceed the applicable Nationally Described Space Standards. All primary habitable rooms will be provided with a good standard of light, outlook and ventilation. The dwelling will be provided with a private rear garden with external amenity space and cycle and refuse storage have been appropriately and discreetly integrated into the layout.
- 2.18 The proposed development is therefore considered to provide an acceptable standard of residential amenity for existing and future occupants of the dwelling, in accordance with Draft Policy PM2 and paragraph 130 of the NPPF.

#### Highways

- 2.19 The application site is located within a village location, which in accordance with Policy DM13, would necessitate 1.5 parking spaces per unit. The proposed dwelling would be provided with 2 off street tandem parking spaces and turning space which is considered to provide sufficient parking provision to serve the proposed dwelling. The development would also incorporate secure cycle storage within the private garden area. The frontage of the proposed dwelling is

open either side of the vehicular access, with no obstructions over 0.9m which is considered to provide sufficient visibility for the proposed access onto Westcourt Lane.

- 2.20 Concerns have been raised regarding the presence of parked vehicles to the frontage impeding visibility of vehicles exiting The Terrace to the east. The proposed development contains an area of low level planting and footpath immediately adjacent to the access and The Terrace which will provide visibility. The road adjacent to the southern boundary is subject to on street parking, so the presence vehicles is an existing situation. Given the layout and characteristics of the proposed development and the existing site, together with the likely limited number of vehicular movements involved, the proposal is not considered to significantly alter the existing situation or result in undue harm to highway safety in this regard. The proposal would result in the loss of approximately 1 or 2 on street parking spaces, which would form a minor alteration, which would not severely impact local parking provision or highway amenity. The development would result in a limited number of associated vehicular movements, which would not significantly affect the local highway network. The proposal is therefore considered to be acceptable in terms of highway amenity and highway safety.

### Ecology

- 2.21 Paragraph 174 of the NPPF requires proposals to protect and enhance sites of biodiversity or geological value, minimise impacts on and provide net gains for biodiversity. The application site comprises part of the rear garden of 15 The Grange which contains mowed lawn, the existing high hedgerow and beech tree to be retained. Given the nature and characteristics application site, it is considered to be of limited ecological value, and the mature vegetation/tree will be retained. The proposal is therefore considered to have an acceptable impact on ecology.
- 2.22 There is not a need to consider the likely significant effects on European Sites as the application site is located outside the 9km zone of influence radius of the Thanet Coast and Sandwich Bay SPA Mitigation Strategy. It is therefore not subject to the required mitigation for additional recreational pressures arising from new residential development, in accordance with Draft Policy NE3.

## **3. Conclusion**

- 3.1 Overall, the proposal would provide an additional dwelling within the settlement confines of Shepherdsweil which is acceptable in principle. The development is considered to provide a suitably compatible form of development which would be comfortably accommodated within the street scene and would integrate with and respond to the surrounding built environment. The proposal is considered to result in an acceptable impact upon residential amenity, highway safety and ecology. The proposed development is therefore considered to be acceptable and represents sustainable development in accordance with the applicable policies and the NPPF, it is recommended for approval.

## **g)Recommendation**

I PLANNING PERMISSION BE GRANTED, subject to conditions:

1. Time limit



2. Approved plans
3. Details of materials
4. Fenestration set in reveals
5. Landscaping
6. Obscure glazing first floor rear window
7. Refuse and cycle storage
8. Provision and retention of parking
9. Visibility splays
10. Removal of some PD rights
11. Tree protection measures

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

Jenny Suttle