

- a) **DOV/23/00984 – Erection of a two-storey rear extension with external cladding, solar photovoltaic panels to roof, replacement roof, balustrade and terrace over porch; erection of an outbuilding, rear path, replacement windows, drainage and formation of a vehicular access and parking (existing garage to be demolished) – Anchors, Hawkshill Road, Walmer**

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, DM11, DM13, DM15

Draft Dover District Local Plan (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 weight, depending on the nature of objections and consistency with the NPPF. Policies are: SP1, SP2, PM1, PM2, H6, CC2, CC3, CC6, CC8, NE3, HE1, HE3, HE4, TI1, T13

National Planning Policy Framework (NPPF) (2023): Paragraphs 7, 8, 11, 47, 130 194, 199, 200, 201, 202

National Design Guide & National Model Design Code (2021)

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

- d) **Planning History**

DOV/04/00065 – Erection of a single storey conservatory extension (existing conservatory demolished) – Granted.

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

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

DDC Horticulturalist – No objections, subject to the existing trees being retained and protected and method statement for screw pile foundations.

Walmer Town Council – No objections, check the west facing window due to concerns it may overlook.

Third party Representations: 6 objections have been received and are summarised below:

- Impact on neighbours, overlooking and loss of privacy
- Light pollution
- Impact on visual amenity
- Impact on trees
- Impact on Walmer Castle and Historic Park and Garden

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

- 1.1 The application site is situated on the northern side of Hawkshill outside of the settlement confines of Walmer and within an Area of Archaeological Notification. Directly to the rear of the site is a Public Right of Way ED5A and beyond this the historic park and gardens of Walmer Castle and the Grade I listed Castle. Whilst to the south of the site is an agricultural field and to the east Walmer beach.



Figure 1: Site location Plan (not to scale)

- 1.2 Hawkshill is characterised by detached dwellings, with a variety of different architectural styles and designs, the topography of the land slopes from west to east. The application site is a two-storey dwelling with a detached garage set back within the plot and off-street parking in front of the garage. The property benefits from a conservatory to the rear (to be demolished) and a substantial garden, well screened to the rear by the trees within the adjacent historic park.
- 1.3 The application is for the erection of a two storey rear extension measuring approximately 5m in depth, height of 7.8m and eaves height of approximately 4.9m. The application includes external cladding, solar PV panels to roof, replacement roof that includes a small projecting zinc sunshade to the front elevation. There is also a timber balustrade and terrace over the porch and the erection of an outbuilding (to be used as a home office/gym). The outbuilding measures a height of 3.7m, width 6.5m and length 10m. In addition, replacement windows, drainage and formation of a vehicular access and parking are proposed with the existing garage demolished.
- 1.4 The materials proposed are render and natural cedar cladding to first floor, flank elevations and extension aluminium coated windows and doors. Figure 2 shows the proposed block plan, demonstrating the extent of the proposal, including the two-storey extension and outbuilding to the rear of the property.



Figure 2 – Proposed block plan, showing extent of development (not to scale)

1.5 Figure 3 shows the existing elevations of Anchors, figure 4 shows the proposed two storey extension, external cladding, solar PV panels, replacement roof, sunshade and balustrade/terrace over the porch. Whilst figure 5 shows the proposed outbuilding to the rear of property.



Figure 3 – Existing elevations (not to scale)



Figure 4 – Proposed elevations (not to scale)



Figure 5 – Proposed outbuilding (not to scale)

2. Main Issues

2.1 The main issues for consideration are:

- Principle of the development
- Impact character and appearance
- Residential amenity
- Heritage
- Historic Parks and Gardens
- Archaeology
- Highways

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 policies, functionally requires a rural location or is ancillary to existing development. The application site is located just outside of any settlement confines but is considered to be ancillary to the existing development.
- 2.4 Policy DM15 resists the loss of countryside (areas outside confines but excludes land within the curtilage of buildings) or development which would adversely affect the character or appearance of the countryside, unless one of four exceptions are met. In this instance, the proposed development is within the curtilage of Anchors and is therefore acceptable in this regard.
- 2.5 Policy DM19 sets out permission will not be given for proposals that would adversely affect the character, fabric, features, setting, or views to and from the District's Historic Parks and Gardens. For the reasons set out later, the proposal is considered acceptable in this regard.
- 2.6 The Submission Draft Dover Local Plan is now at examination and as such it is at an advanced stage and is considered to be an important material consideration in the determination of this application. In relation to draft policy H6, this is considered most relevant to the principle of development.
- 2.7 Draft policy CC3 relates to renewable and low carbon energy development. As part of the application the applicant is proposing solar panels on the front roof slope, this policy supports such proposals, subject to amongst other things no significant harm to the surrounding area, character, or adversely impacting on the loss of amenity to local residents. Solar panels are not an uncommon feature and would be read as part of the dwelling. In respect of local residents, given their position, it is considered this element would not adversely impact on residential amenities. The proposal is therefore considered acceptable in this regard.
- 2.8 Draft Policy H6 set out that residential extensions will be supported subject to amongst other things, the development is compatible with the existing dwelling, locality and living conditions of existing residential amenities (discussed later in report).
- 2.9 Draft Policy HE1 sets out that where a development proposal will lead to less than substantial harm to the significance of a designated asset is likely to be impacted, harm will be weighted against the public benefits of the proposal. The proposed works are a significant distance from the Grade I listed building and it is not considered this is affected by the proposed development.
- 2.10 Draft policy HE4 relates to historic parks and gardens setting out that proposals which protect and enhance the character, fabric, setting or views into and from

the districts historic parks and gardens will be supported. The the proposal has been designed to ensure the views into and out of are protected and as such the proposal is considered acceptable in this regard.

- 2.11 For the reasons set out, the proposed development is considered to be acceptable in principle, subject to the consideration of all other material considerations.

Impact on Character and Appearance

- 2.12 Paragraph 130 (f) of the NPPF 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 NPPF continues at (c) setting out that 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'.
- 2.13 Hawkshill is a private unmade road and benefits from a varied street scene with properties differing in architectural designs. Each property is set back from the road with an area of green verge. Draft Policy H6 sets out amongst other things that the development should be suitable in scale, character and materials in relation to the existing dwelling. In respect of the elevation fronting onto Hawkshill Road, this is proposed to be render which is not an uncommon feature within streetscapes within the district. Also the proposed zinc sunshade along the eaves on the front elevation has a limited projection and is an appropriate traditional material. The other materials (cedar cladding) would be glimpsed from within the street, however, given the position of Anchors between dwellings, these views would be limited. In any case, there are a variety of material finishes within the road and the use of cedar cladding at first floor is not considered to be at odds with the existing street scene and would be an acceptable material.
- 2.14 The two-storey extension has been designed with a dual pitch roof, thus reducing the bulk, scale and massing. The view of the proposed extension from the Public Right of Way, that runs along the rear boundary, will be limited due to the existing boundary treatment (a 1.8m fence), mature tree screening and the distance from the rear boundary to the rear elevation, and as such, this element of the proposal is not considered to adversely impact on the visual amenity of the area. Concerns have been raised about the possible impact the outbuilding could have on the historic park and garden and this is discussed later.
- 2.15 Finally, in respect of the balustrade, it is proposing to be timber and as such over time will weather down and will not be highly visible from the street scene. For these reasons, the proposed development is not considered to adversely affect the visual amenities of the street scene or the wider area, complying with paragraph 130 of the NPPF and Draft Policy H6.

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. Whilst draft policy H6 (e) sets out that residential extensions will be supported, subject to not having an adverse impact on the living conditions of existing residents.

- 2.17 Concerns have been raised in respect of loss of daylight, overlooking, light pollution and use of the outbuilding. Consideration needs to be given to the occupiers of the adjacent properties. Broomfield to the west, is separated a distance of 2.2m from Anchors. Broomfield is a detached two storey dwelling with a catslide roof on the eastern elevation over the integral garage, with the boundary denoted by a 2m high close boarded fence. The proposed two-storey extension is considered to be of a substantial size. However, the proposal has been designed to be set down from the existing ridge height by approximately 623mm and has been designed with a dual pitched roof to alleviate the overall bulk, scale and massing. In addition, the ground level is lower on the application site, thus reducing the height of the proposed development. As such the proposal is not considered to result in an overbearing impact on the amenities currently enjoyed by this property.
- 2.18 In relation of the loss of daylight, as part of the application a daylight impact assessment has been submitted. Having regard to the orientation of Broomfield, to the west of the extension, it is considered the proposed development would not result in a loss of sunlight. Furthermore, whilst the proposal is on the edge of complying with the 45 degree test, it has been concluded that the proposal would be acceptable in this regard.
- 2.19 In respect of privacy, a high level first floor window is proposed to the western elevation set at 1.7m above internal floor levels. Therefore overlooking from the window is considered unlikely and this will not cause a loss of privacy to the adjoining property. The proposal has also been designed with two small ground floor windows in the existing eastern flank elevation, and an additional window at first floor, serving a bathroom that would be obscure glazed and could be further controlled through a planning condition. However, this element of the proposal would not ordinarily require a specific planning application and would be permitted development and therefore a refusal would not be justified on this basis.
- 2.20 To the east of the application site is a two storey property known as South End. Having regard to the distance of approximately 3m between these properties, the proposed obscure glazed window at first floor is not considered to impact the residential amenities of this property and the window will be unlikely to have an adversely effect, however, this can also be further controlled by a condition.
- 2.21 Concerns have also been raised over the position of the outbuilding and in respect of light pollution, overlooking and the potential use of the outbuilding. The proposed use of the outbuilding is for a office/gym and in most cases these uses are considered ancillary and compatible with an existing property and are acceptable within a residential area. Such an outbuilding would also normally be considered to constitute permitted development. The outbuilding has been designed with two large openings within the front looking towards Anchors. Whilst sympathetic to the concerns raised by residents, having regard to the distance of approximately 25m and the single storey nature of the building, any impact on the residential amenity is considered to be minimal.
- 2.22 Finally, a terrace and balcony are proposed over the porch. Having regard to the position overlooking the fields to the south/front of the property and the orientation of the adjacent properties, with small front gardens and off-street parking, this is not considered to result in overlooking in this regard. It is therefore

considered the proposed development is acceptable, thus complying with draft policy H6 and paragraph 130 of the NPPF.

Heritage

- 2.23 Concerns have been raised over the proximity of Walmer Castle to the application site. Walmer Castle is a Grade II listed building and therefore it is important that the statutory duty prescribed by Section 66 of the Listed Buildings and Conservation Areas Act is fully recognised. This requires LPA's in considering whether to grant planning permission for development which affects a listed building or its setting, to have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 2.24 The outbuilding is the closest element to the proximity of Walmer Castle, given the height of the outbuilding is 3.7m, the tree cover and the use of natural timber cladding, which would weather over time, the proposal would not adversely impact on the setting of the listed building. Having due regard to the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF, for these reasons the proposal is considered to comply with the aims and objectives of the NPPF and draft policy HE1.

Historic Park and Gardens

- 2.25 Concerns have also been raised over the potential impact the outbuilding could have on the historic park and gardens. Policy DM19 sets out that permission will not be given to the development proposals that would adversely affect the character, fabric, settings and views to and from the District's Historic parks and garden. This is reflected in Draft Policy HE4. In respect of the two-storey extension, having regard for the screening along the rear boundary and the substantial distance separating this element and the historic park, it is considered that any views would be oblique and would not cause harm to be views, setting and significance of the heritage designation in line with planning policies.
- 2.26 In respect of the outbuilding, whilst this is within closer proximity, having regard for the screening and low-key nature of the building, this is not considered to result in harm to the view or setting of the historic grounds.
- 2.27 With regards to the trees, no objection is raised providing the existing trees within the rear of the back garden (in proximity to the home office/gym) are retained and protected and that details of their protection, along with a method statement for the implementation of screw pile foundations for the outbuilding are secured by condition, this is considered reasonable. For these reasons the proposal is considered compliant with policy DM19 and Draft Policy HE4.

Archaeology

- 2.28 The application site is located within an Area of Archaeological Potential and therefore due regard must be had for the paragraph 194 of the NPPF and draft policy HE4. Given the nature of the work, in particular the excavation works relating to the proposed extension and its close proximity to the historic park and garden, it is considered appropriate to impose a condition for an archaeological watching brief to be undertaken.

Highways

- 2.29 The proposals would result in a 5-bedroom dwellinghouse. Policy DM13 and draft policy T13 set out that dwellings of this size, in this location should provide 2 independently accessible off-street parking spaces. Whilst the proposal would see the loss of the existing garage, an additional accessible parking space would be provided. Therefore, the proposal is considered to accord with Policy DM13, Draft Policy T13 and the NPPF.

3. Conclusion

- 3.1 The application is not considered to conflict with the relevant policies of the current and emerging plans and the NPPF and is acceptable in principle. The proposal would have limited impact upon the character and appearance of the area and is not considered to result in unacceptable impacts to the residential amenities of adjacent properties. Also no harm has also been identified to the designated heritage assets and the development is considered to be in accordance with Local plan policies and the NPPF and it is recommended that permission is granted.

g) Recommendation

- I PLANNING PERMISSION BE GRANTED, subject to the following conditions:
1. Time Limit
 2. Approved plans
 3. Obscure glazing
 4. Control of flank elevation windows
 5. Archaeology watching brief
 6. Protection and retention of trees
 7. Method statement for foundations
- 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

Karen Evans