

- a) **DOV/23/00918 – Erection of detached dwelling with 2-metre fencing and associated parking (existing building to be demolished) – 2a Canada Road, Walmer**

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, DM2, DM11, DM13

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. The relevant policies are: SP1, SP15, CC2, PM1, PM2, E2, TI3 and HE2

National Planning Policy Framework (NPPF) (2023): Paragraphs 7, 8, 11, 135, 195-214

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

Nationally Described Space Standards (2015)

- d) **Relevant Planning History**

DOV/06/00844 - Erection of detached building incorporating 2 no. residential flats – Refused

DOV/21/01302 - Erection of a detached dwelling, erection of 2.0m high fencing, formation of a new driveway and associated parking (existing building to be demolished) – Refused for the following reasons:

- The proposal, by reason of the different roof forms and overall appearance and lack of architectural design, would constitute a poor standard of design and would not be visually attractive and would fail to add to the overall quality of the area contrary to paragraph 130 of the National Planning Policy Framework.
- The proposal would constitute overdevelopment of the plot by reason of the internal floor area, small bedroom sizes and the perception of overlooking of the rear garden area, which would constitute a poor standard of living accommodation to the detriment of the future occupier's contrary to paragraph 119 and 130 (f) of the National Planning Policy Framework.

This decision was upheld on appeal, under reference APP/X2220/W/22/3290494. The planning inspector supported the second reason for refusal only.

Concluding that there would be a poor standard of accommodation with small bedrooms.

Notwithstanding the space issue the Inspector concluded the following:

- There would be no adverse overlooking from the houses in York Road which are set lower than the application site;
- No harm to the character and appearance of the area;
- Due to the set back, the scale respects other properties in the area, being subordinate
- Simple elevational treatment which is suitable given the varied character of the locality;
- Roof form not visually harmful given the mix in the area

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

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

Walmer Town Council – Objects to the application.

- Loss of light to neighbouring properties
- Overbearing impact to neighbours
- Dust and disturbance during construction
- Lack of construction management plan  
**Officer comment** – This is not a reasonable condition to impose on a development of a single dwelling)
- Management of shared boundaries  
**(Officer comment** – this is not a material planning consideration

DDC Heritage – No comments to make

Third party Representations: 7 objections have been received and are summarised below:

- Loss of light to neighbouring properties
- Overdevelopment of the area
- Impractical location
- Concerns regarding appearance and structural integrity of wooden fencing

The 2 following concerns are non-material planning considerations:

- Impact on foundations of neighbouring properties
- Damage to shared wall of outbuilding

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

1.1 The application site is located within the Walmer Seafront Conservation Area. The existing site contains a dilapidated commercial storage building with a narrow access from Canada Road between no.2b and no.4a Canada Road. The majority of the site is set back from the street and is located behind nos. 3 to 7 York Road with the rear gardens of these properties backing onto the eastern boundary of the site. The garden levels of the properties on York Road are set below the ground level of the application site. The application site shares boundaries with a number of properties, as shown on Figure 1.



**Figure 1: Proposed Block Plan**

- 1.2 The proposal is for the demolition of the existing dilapidated commercial storage building, and the erection of a single storey, 1no. bedroom dwelling with a rear courtyard garden. The site will be bounded with a 2m high fence. 1no. offroad parking space will be provided to the front of the property. The majority of the dwelling would have a pitched roof form with a smaller flat roof wing to the rear and wrapping around the northwest corner. The material finish of the property would be brick with a slate roof.

## **2. Main Issues**

- 2.1 The main issues for consideration are:

- Principle of the development
- Impact on visual amenity and the Conservation Area
- Impact on residential amenity
- Impact on highways

## **Assessment**

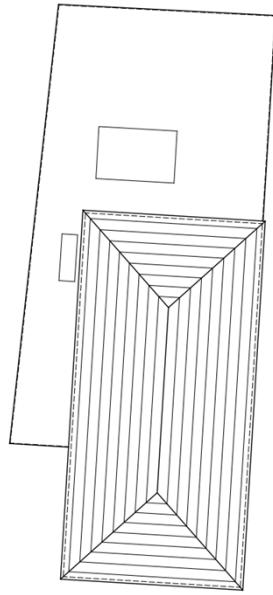
### Principle of Development

- 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 The site is located within the settlement confines of Walmer. Policy DM1 supports the erection of residential development within the settlement confines is acceptable in principle, subject to material considerations. That said, it is considered that policy DM1 is in tension with the NPPF, is out-of-date and, as a result of this, should carry only limited weight.

- 2.4 Draft Policy SP4 of the emerging Local Plan is a material consideration that carries moderate weight. This policy 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, subject to a number of criteria assessed later in the report.
- 2.5 Draft Policy TI1 requires opportunities for sustainable transport modes to be maximised and that development is readily accessible by sustainable transport modes. This is in accordance with the aims and objectives of the which NPPF seeks to direct development towards sustainable locations.
- 2.6 In addition, the application relates to the loss of commercial premises previously used for storage. Policy E2 says that the new development must not result in a significant or harmful reduction in the supply of land available for employment purposes and it has been demonstrated that an employment use is no longer suitable or viable. Whilst this policy at the present time can only carry moderate weight it is broadly consistent with the objectives of the NPPF. However, this is a very small site that makes a very small contribution to the supply of employment in the area and in any event this was not a concern raised with the previous application that was refused, then it is considered that there would be no harm in this respect.
- 2.7 The erection of a single dwelling would form a commensurate infill development within the settlement confines of Walmer. The application site is an edge of centre location, with access to the main bus route and cycle routes. The proposals would accord with Policy DM1 and the principle of 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.

#### Impact on Visual Amenity and the Conservation Area

- 2.8 The application site is located within the Walmer Seafront conservation area. Walmer Seafront Conservation Area is a large area with pockets of distinct character. This particular part of the conservation area includes rows of properties, with garden space behind, creating space between the houses.
- 2.9 The properties within Canada Road itself vary in their design, scale and material finish, with the properties to the southeast (near the application site) featuring flat roof elements adjacent to the road. The proposed dwelling would have a pitched roof facing Canada Road, with a flat roof element wrapping around the northwest corner, as shown on Figure 2 below.



**Figure 2: Proposed roof plan**

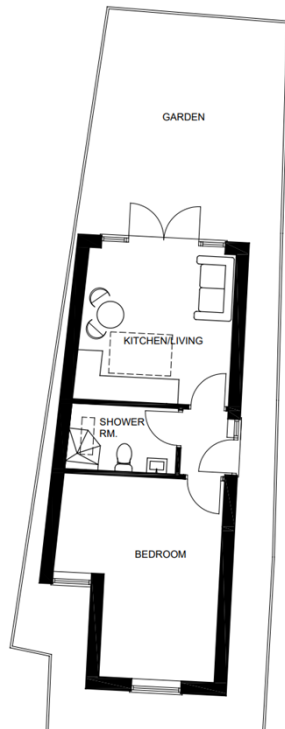
- 2.10 Glimpse views of the existing site are possible from Canada Road with the timber entrance doors set back from the road. The existing site currently detracts from the character of the conservation area; therefore, the proposals represent an opportunity to enhance the character of the site and area in general. Furthermore, Paragraph 135 of the NPPF also requires development to be visually attractive and add to the overall quality of the area.

The simple design of the proposed dwellinghouse, while not of any architectural merit, is a resubmission of the previously refused scheme and the Inspector raised no objection.

- 2.11 Therefore, due to the varied street scene and with regard to the Planning Inspector's previous decision, it is considered that due to the location of the proposed dwelling, together with its modest scale and simple design and materials, there would be no harm to visual amenity and the development would preserve the character and appearance of the conservation area. The development would meet criteria b) and e) of policy SP4 and policy HE2.

#### Impact Upon Residential Amenity

- 2.12 The application site sits adjacent to a number of residential properties, with the proposed dwelling set just off the shared boundaries of the gardens of these properties.
- 2.13 The main windows on the proposed dwellinghouse face north, towards the proposed garden and outbuilding of No. 8 York Road and south towards Canada Road as shown on Figure 3 below. These windows, together with the property being single storey, and the addition of a 2-metre fence would prevent any overlooking to private garden spaces, and any subsequent loss of privacy to neighbouring properties.



**Figure 3: Proposed ground floor plan**

- 2.14 The flat roof element of the proposed dwelling would be a similar height to the existing storage building/ structures. The pitched roof would be higher than the existing structure, but would be set in from the shared boundary, with the steep pitch sloping away from the shared boundary, minimising any overbearing impact to neighbouring properties or gardens.
- 2.15 Due to the location of the proposed dwelling and its relationship to neighbouring properties, there would be no overshadowing as a result of the proposal.
- 2.16 In respect of the residential amenity of the future occupiers of the property, the single storey dwelling would have a bedroom, living/ kitchen area and shower room, with a courtyard garden.
- 2.17 Under the previous application for a 2no bedroom property, the Planning Inspector noted that due to the limited size of the bedrooms, and property overall, the accommodation would feel cramped and oppressive to its future occupiers. This application reduces the development to a single person, single bedroom property with an internal floor space of 38m<sup>2</sup>. Given that internal changes are not development and do not therefore require the benefit of planning permission and that the only reason this dwelling is now considered acceptable (aside from there being no visual harm) is because the internal layout has been amended following the appeal decision, then I consider it reasonable to impose a condition to ensure that the dwelling remains as a 1 bedroom dwelling only.
- 2.18 In turn, the Inspector concluded that there would be no adverse overlooking from houses in York Road to the application site, which are set at a lower level.

- 2.19 It is therefore considered that the proposed occupiers would have an acceptable standard of amenity in line with Paragraph 135 of the NPPF and PM2 and criteria h) of policy SP4 of the Draft Local plan.

### Highways

- 2.20 There is an existing parking space to the front of the site, which is to be retained as part of the proposals. Policy DM13 sets out that dwellings of this size, in this location should provide one parking space. As one parking space has been provided, the development would accord with Policy DM13 and Draft policy TI3.
- 2.21 The plans do not indicate refuse storage areas, however, there would be sufficient space to discreetly store bins within the site with good access to roadside collection points. In addition, cycle storage is not indicated and whilst space within the site is limited further details can be secured by condition.

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

- 2.22 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 draft Policy NE3.
- 2.23 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 (SAMM) has therefore been adopted by DDC 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.
- 2.24 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.

## **3. Conclusion**

- 3.1 The proposed dwelling, due to its design, scale, appearance and materials, would not be out of keeping with the street scene and the character and appearance of the conservation area would be preserved. There would be no harm to residential amenity or highway safety. Consequently, the proposals would not conflict with the overarching aims and objectives of Development Plan policies and the NPPF and it is recommended that planning permission should be granted.

**g) Recommendation**

- I PLANNING PERMISSION BE GRANTED, subject to the completion of a UU to secure financial payments towards mitigating the impact of the development on the Thanet Coast & Sandwich Bay SPA, the carrying out of a further publicity period (for a period of no less than 21 days) to allow for a site notice to be displayed in York Road to advertise the proposed development, and subject to the following conditions:
1. 3-year time limit for commencement
  2. Approved plans
  3. Cycle and bin storage implemented before first occupation.
  4. Parking provision and retention
  5. One bedroom property only
- 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

Amber Tonkin