

a) **DOV/23/01324 - Erection of a dwelling with associated parking - 20 Granville Road, Walmer**

Reason for report – Number of contrary views (9)

b) **Summary of Recommendation**

Planning permission be Granted.

c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM13, DM15, DM16

Land Allocations Local Plan (2015) & Local Plan (2002) Saved policies

Submission Draft Dover District Local Plan (2023): The Consultation 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 the policies of the draft can be afforded some weight, but this depends on the nature of objections and consistency with the NPPF. Draft policies SP1, SP2, SP3, SP4, SP5, SP11, SP13, SP14, SP15, CC1, CC2, CC4, CC5, CC6, CC8, PM1, PM2, H1, H5, TI1, TI2, TI3, NE1, NE2, NE3, NE4, NE5, HE1, HE3, HE4

National Planning Policy Framework (NPPF) (2023): Paragraphs 2, 7, 8, 11, 38, 47, 48, 55, 57, 60 – 62, 77, 79, 84, 86, 88, 96-97, 112 - 115, 123 – 126, 128, 131 - 137, 165, 173, 174, 180, 186, 200- 213, 226

National Design Guide & National Model Design Code (2021)

Planning (Listed Buildings and Conservation Areas) Act 1990

Walmer Design Guide

d) **Relevant Planning History**

Various applications including:

DOV/18/01385 – Erection of a two storey rear extension with a first floor patio (existing extension and chimney to be demolished) – Granted

DOV/19/00774 – Erection of boundary wall to front and side elevations - Granted

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

Representations can be found in full in the online planning file. A summary has been provided below:

Walmer Town Council – strongly objects due to severe overlooking from the wall sized windows and balcony which, combined with the proposed position of the new property close to the boundary of neighbouring property 64 Liverpool Road, together with height of the full length doors and flat roof which they open onto will remove all privacy from surrounding houses and gardens. Occupants of the new property will be automatically able to overlook the house and garden of No. 64 Liverpool Road and the house and garden of the existing No. 20 Granville Road. Note an earlier application for 20 Granville Road (19/00774) included requirement not to overlook property on the Granvill Road side of the property; a requirement should be imposed as a condition if permission is granted. Note the possibility the location may be under a Restrictive

Covenant along the Liverpool Road side of the property which may need to be looked into before a decision is made.

**(Officer Comment:** restrictive covenants are not a material planning consideration. In respect of the previous condition in relation to privacy, a condition restricting permitted development rights for windows or similar opening in the first floor of the west facing elevation of 20 Granville Road was imposed on application DOV/18/01385).

KCC Highways and Transportation – considering this site is accessed off of Liverpool Road which is unclassified, it would appear that the development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements (an informative is suggested).

Southern Water – requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. Technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water. It is possible that a sewer now deemed to be public could be crossing the development site and should any be found during construction works, an investigation will be required to ascertain its ownership.

### Third Party Representations

8 Members of the Public have written in objection to the proposals and material considerations are summarised below. Matters such as loss of a view and restrictive covenants are not material considerations.

- Residential amenity - overlooking/loss of privacy, loss of light, noise – concerns regarding noise from use of the balcony, security concerns
- Scale – too large for plot size and concerns regarding proximity of building to southern boundary and party wall
- Design – not in keeping with style of neighbouring properties on Liverpool Road and in terms of proximity to road, unsympathetically close to the road given relatively set-back nature of all neighbouring properties along this section of Liverpool Road. Out of character when viewed from Walmer Castle and promenade. This section of Liverpool Road should not look built upon the approach to/from Walmer Castle and promenade. Houses on this section of Liverpool Road have strict development criteria, with limitations in title deeds. Proposal is too large for the plot and close to neighbouring properties.
- Precedent – other properties on Liverpool Road have large front gardens and are set back from the road; allowing the proposal would set precedent for building modern properties in front of the older existing properties in the future and undermine existing restrictive covenants on this section of road.
- Address – proposal and access are on Liverpool Road rather than Granville Road
- Trees – concerns that if allowed, there would be a risk of 100+ year old trees on Walmer paddock at the corner of Granville Road and Liverpool Road being cut down, having unsuccessfully applied to have these cut down in the past
- Traffic/parking/highways safety – vehicles drive too fast down the narrow road, development on the junction will increase traffic dangers. 3 bed house will have parking for over 5 cars; less parking would reduce extra traffic coming into Liverpool Road at the busy junction.
- Not opposed in principle to a new property on the proposed site
- Flooding - Area is flood prone, could present a hygiene risk

3 Members of the Public have written in support of the proposals and their comments are summarised below:

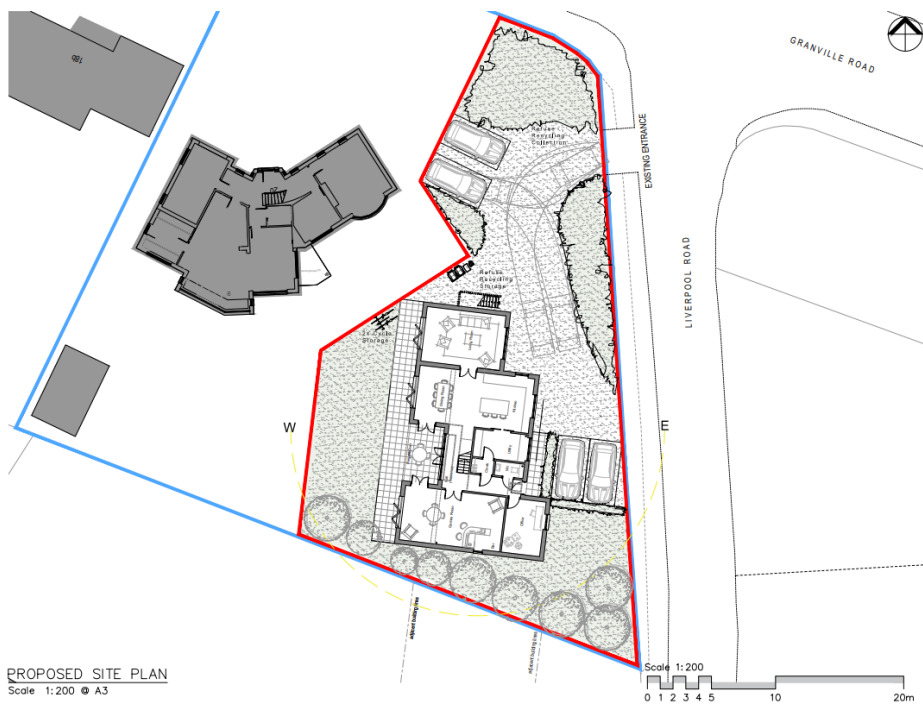
- Shortage of housing – with more medium-sized homes, one expects owners of smaller houses to upgrade to medium-sized houses, freeing up smaller more affordable houses for younger people to purchase as their first home who want to stay in the area but new houses are not affordable. Proposal to sub-divide a large existing plot with the intention of building a new home, seem sensible in the context of this housing shortage.
- Note concerns expressed by others about the proximity of the proposed building to a neighbouring home. Compared with numerous recent large-scale developments within Deal and Walmer in which new build houses are located extraordinarily close to the neighbouring houses in a compact site design, the proposal includes a good deal of space, retaining several mature existing trees.
- Sensible to build within brown spaces, gives more people the opportunity to live within this area and reduces building in green spaces. Better to build within the space available rather than large housing communities on the edge of town. Do not think this house would spoil the area.
- Reasonable changes have been made in response to objections.
- Includes generous parking taking cars off the road
- Privacy – balcony rear of 20 Granville Road already overlooks back garden, shrubs in place would negate concerns

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

- 1.1 The site relates to a two storey detached dwelling, located within the settlement confines of Walmer. The site is bounded by Granville Road to the north and Liverpool Road to the east and the existing dwelling, set back from the highway behind a gravelled driveway, is finished in red brick with a tiled hipped roof and grey framed windows.
- 1.2 The proposals are to erect a detached 1 ½ storey self build/custom build dwelling to the southeast of the existing property. The siting and design of the proposals has been amended during the course of the application and was duly re-advertised. The three bed dwelling, which would front Liverpool Road, would be set back behind a driveway utilising the existing Liverpool Road access, and would be constructed broadly in line with the front building line of the adjacent property to the south (64 Liverpool Road). It would be finished in white render with sections of grey cladding, a grey fibre cement slate roof and aluminium grey windows and doors and would have a garden to the rear (west) with four parking spaces to the front of the property. The existing 1.8m close boarded fence on the Liverpool Road boundary would be retained, as well as the existing 2m tall brick boundary with No. 68 Liverpool Road to the south.



**Figure 1. Proposed Block Plan**



**Figure 2. Proposed Site Plan**



Front Elevation- A



Side Elevation- B

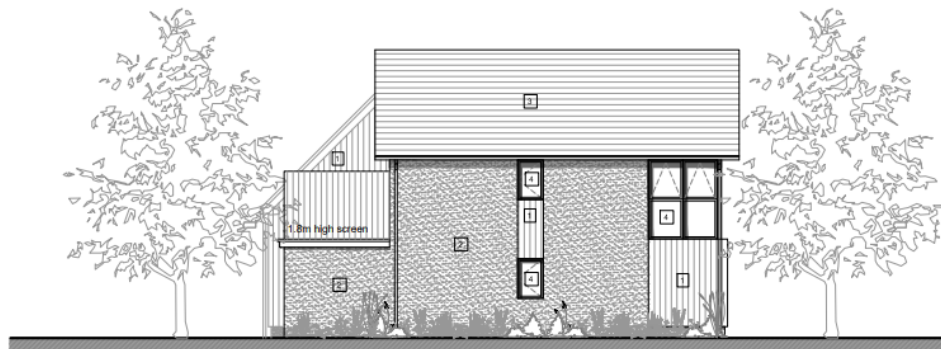
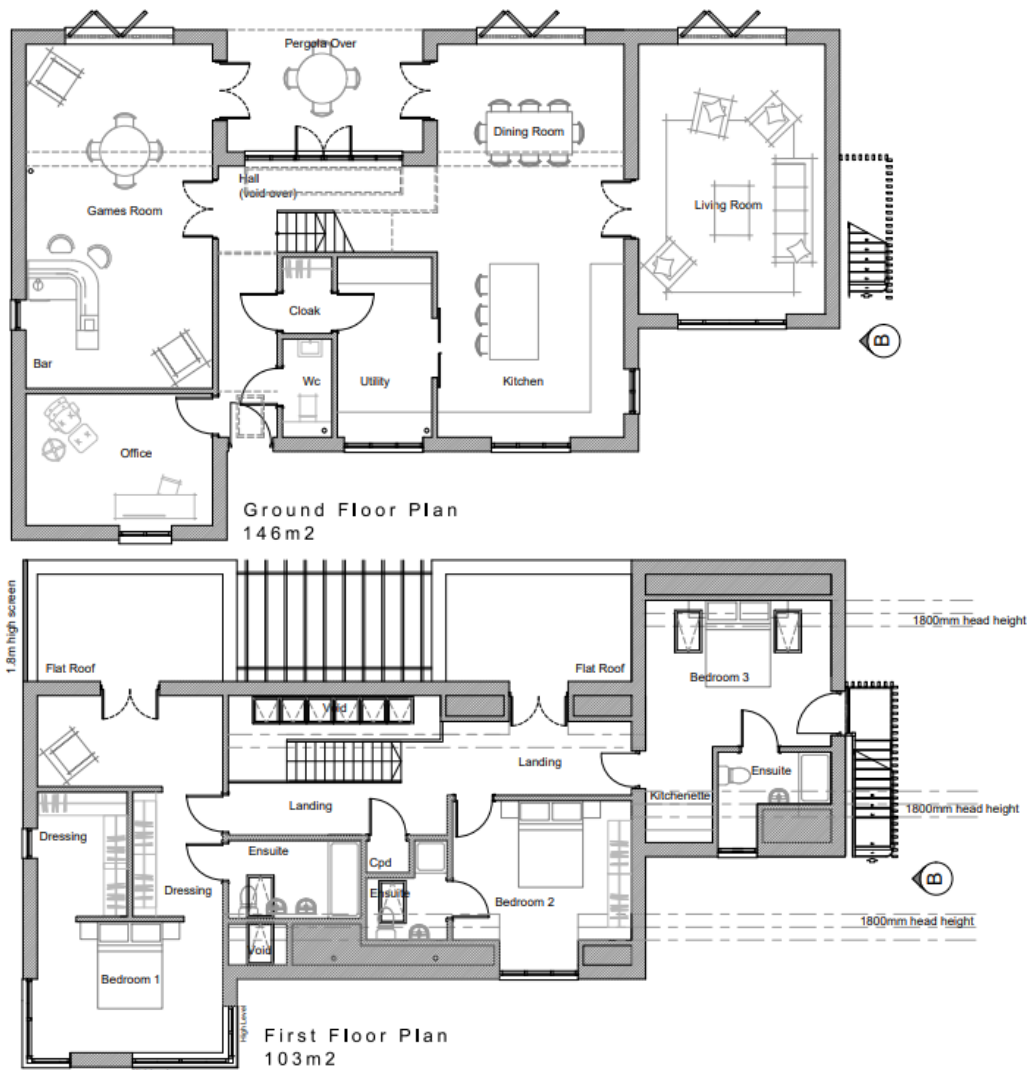


Figure 3. Proposed Elevations (Front, Rear, North, South)



**Figure 4. Proposed Ground and First Floor Plans**

## 2. Main Issues

2.1 The main issues for consideration are:

- The principle of the development
- Impact on visual amenity
- Impact on residential amenity
- Other matters

### Assessment

#### Principle of Development

2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that in regard 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 another development plan policy,

functionally requires a rural location or is ancillary to existing development or uses. The site is located within the settlement confines and the principle of residential development in this location would accord with policy DM1.

- 2.4 The NPPF advises, at paragraph 11, that proposals that accord with an up-to-date development plan should be approved without delay. Where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, permission should be granted unless the application of policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (policies include those relating to habitats sites, SSSI, AONB, Heritage Coast, irreplaceable habitats, designated heritage assets and those of archaeological interest and areas at risk of flooding or coastal change), or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. An assessment of the most important policies for the determination of the application must be undertaken to establish whether the 'basket' of these policies is, as a matter of judgement, out-of-date. Additionally, criteria for assessing whether the development plan is out-of-date are explained at footnote 8 of the NPPF. This definition includes: where the council are unable to demonstrate a five-year housing land supply; or, where the council has delivered less than 75% of the housing requirement over the previous three years (the Housing Delivery Test). Having regard to the most recent Housing Delivery Test, the Council are currently able to demonstrate a four-year housing land supply in accordance with the updated NPPF at paragraphs 77 and 226. It is, however, necessary to consider whether the 'most important policies for determining the application' are out of date.
- 2.5 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver a greater number of dwellings per annum. As a matter of judgement, 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.
- 2.6 The Draft Local Plan was submitted for examination in March 2023 and its policies are considered to be material to the determination of applications, with the weight attributed to the policies dependant on their compliance with the NPPF. Draft Policy SP1 of the Submission Draft Dover District Local Plan seeks to ensure development mitigates climate change by reducing the need to travel and Draft Policy SP2 seeks to ensure new development is well served by facilities and services and create opportunities for active travel. Draft Policy TI1 requires opportunities for sustainable transport modes to be maximised and that development is readily accessible by sustainable transport modes. Draft Local Plan Policy SP4 sets out the appropriate locations for new windfall residential development. The draft Policy seeks to deliver a sustainable pattern of development including within the rural areas where opportunities for growth at villages (in line with Paragraph 83 of the NPPF) are confirmed. The policy is underpinned by an up-to-date evidence base of services and amenities at existing settlements and takes account of the housing need across the district, such that it is considered to attract moderate weight in the planning balance. The site is located within the draft settlement confines and would therefore accord

with the objectives of the policy. Draft Policy H5 supports self-build and custom housebuilding on non-allocated windfall developments subject to compliance with other policies. The proposals would accord with the policy, which is considered to attract moderate weight being devised in line with the NPPF and current housing figures.

- 2.7 It is considered that policy DM1 is in tension with the NPPF, although for the reasons given above, some weight can still be applied to specific issues the policy seeks to address having regard to the particular circumstances of the application and the degree of compliance with NPPF objectives in this context. The proposals would also accord with the objectives of Draft Policy SP4 which is considered to attract moderate weight in the planning balance, being devised on the basis of current housing targets and the NPPF. Notwithstanding this, Policy DM1 is particularly critical in determining whether the principle of the development is acceptable and is considered to be out-of-date, and as such, the tilted balance approach of Paragraph 11 of the NPPF is engaged. An assessment as to whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits (and whether this represents a material consideration which indicates that permission should be granted) will be made at the end of this report.

#### Impact on Visual Amenity

- 2.8 The area contains a range of 1 ½ storey and two storey dwellings, mostly detached and with a strong building line, being set back from the relatively straight Granville Road. The properties of Liverpool Road have a less uniform arrangement, due to the curve in the road and one of the properties being set much further back from the highway in larger grounds. The proposal, which would result in the subdivision of the garden of 20 Granville Road, with the erection of a dwelling fronting Liverpool Road, has been designed to continue the building line of 64 Liverpool Road immediately to the south, which is similar to the arrangement of dwellings on the northeast corner of the junction of Liverpool Road and Granville Road (57 Liverpool Road and Queen Mother Court).
- 2.9 The proposed dwelling would be two storeys, although would have a lower height than the neighbouring properties to the south, with the first floor being set into the eaves level. There is a wide variety of building styles in the area, particularly to the west of the site and a range of materials including brick, tile hanging and render. As such, it is considered the modern design and material palette would preserve the varied character and appearance of the street scene, with no harm to visual amenity. A condition can be imposed to seek the submission of samples for approval to ensure a high-quality finish to the development and it is also considered reasonable to impose a landscaping condition as the planting indicated would soften and further enhance the appearance of the development. Subject to this, it is considered the proposals would accord with the objectives of NPPF Paragraph 135 and draft Policy PM1.

#### Impact on Residential Amenity

- 2.10 As set out in paragraph 1.2 of this report, the design of the development has been amended from that originally submitted. The dwelling has been positioned approximately 2m further north, away from the boundary with 64 Liverpool Road, with a privacy screen added to the southern side of the first floor balcony closes



to 64 Liverpool Road and a first floor window on the southern elevation has been removed.

- 2.11 In the interests of the privacy of neighbouring occupants, it is considered appropriate to suggest a condition is imposed requiring the first floor level 'dressing room' window on the south elevation of the dwelling to be fitted with obscured glazing, sufficient to prevent through views. Were any windows to be installed in the future at first floor level, under permitted development rights they would be required to be obscured glazed and as such, it is not considered necessary to suggest a condition preventing the installation of further openings in this elevation. It is however considered appropriate to suggest a condition requiring the obscured glazed privacy screen to the balcony be installed prior to its first use. Concerns have also been raised by the public in respect of the impact on privacy from the floor to ceiling height windows, which wrap around the southeast corner of the building at first floor level. As mentioned above, one of these windows has been removed. Notwithstanding the concerns raised, it is considered that the main view from the window would be across the site itself, the highway beyond and the paddock opposite. Whilst there may be some views across part of the front garden of 64 Liverpool Road, this would be partly obscured by the existing trees which would be retained (with a landscaping scheme to be secured by condition which would require any trees/plants which die, are diseased or removed within 5 years of the completion of the development to be replaced) and on balance, subject to the suggested conditions, the development is not considered to result in significant harm to the privacy of these neighbouring occupants.
- 2.12 With regard to the privacy of other nearby residents, the development would feature openings and balconies at first floor level on the rear elevation, which would predominantly overlook the garden of the site. In relation to 20 Granville Road, views between the existing balcony and the closest proposed balcony would be partly obscured by the projection to the north of the proposed dwelling and on balance, are not considered to result in such significant harm to privacy to warrant a reason for refusal. Views towards other nearby properties would be more distant and partially screened by planting such that it is not considered the development would result in unacceptable harm to privacy. Furthermore, due to the design and appearance of the development, it is not considered the proposals would result in a significant overbearing impact. The dwelling would predominantly cast shadow across the application site and any shadow cast across the garden of 20 Granville Road would be limited by the eaves height of the northern projection of the proposed dwelling, such that it would not result in significant overshadowing or loss of light to this or other nearby properties.
- 2.13 In respect of the amenities of future occupiers of the development, the dwelling would contain well sized (having had regard to the nationally described space standards), naturally lit and ventilated rooms, with a rear and front garden with cycle storage space and further open space at the nearby beach and Marke Wood Recreation Ground. Having had regard to the objectives of the NPPF (particularly Paragraph 135) and draft Policies PM1 and PM2, it is considered the proposals would have an acceptable impact on residential amenity.

#### Flood Risk and Drainage

- 2.14 The site is located within flood zone 1, which has the lowest risk from flooding from rivers and the sea and a site-specific flood risk assessment, sequential test and exceptions test are not required. Southern Water have been consulted on

the proposals, advising that a formal application for a connection to the public foul sewer would be required and that should any sewer be found during construction works, an investigation would be required to ascertain its ownership before any further works commence on site (information to be included as an informative if permission is granted). The application form clarifies that surface water would be disposed of by soakaway and that foul sewage would be disposed to the mains sewer. As these matters would be dealt with under building regulations, it is not considered that further details would be required by condition.

#### Highways and Parking

- 2.15 The proposals would utilise the existing access to Liverpool Road. Whilst it is noted that several representations raise concerns in respect of traffic using the Liverpool Road junction, no concerns in respect of highways safety have been raised by KCC Highways and Transportation in their consultation response. Four parking spaces would be provided within the site, which would accord with the requirements set out in Policy DM13 and draft Policy TI3. Furthermore, the site is considered to be in a sustainable location, in close proximity to bus stops on Granville Road and Dover Road, as well as the cycle path along the promenade, such that occupants of the dwelling could reach the services and facilities within Walmer and Deal via sustainable methods of transportation.

#### Ecology and Trees

- 2.16 The site contains a number of trees and those adjacent to the southern boundary would be retained within the development. As discussed at paragraph 2.9, a condition for a landscaping scheme is suggested to ensure the provision and maintenance of the planting indicated on the plans, in the interests of visual amenity. The site is a well-maintained garden and having regard to Natural England's standing advice, is considered unlikely to provide suitable habitat for protected species.

#### Archaeology and Heritage

- 2.17 The site lies in an area of archaeological potential (medium palaeolithic potential and multi period archaeological potential on a spur of higher ground), however consultation with KCC Archaeology would not be required for development of this scale in this location. Having had regard to the NPPF and draft Policy HE3, no archaeology desk based assessment has been submitted. Notwithstanding this, it is considered appropriate and proportionate to suggest a condition is imposed (if permission is granted) dealing with archaeology, should any be found during the construction of the development.
- 2.18 It is noted the site is to the north west of Walmer Castle and Gardens (an ancient monument and Grade II Listed park and garden). Having had regard to the objectives of Chapter 16 of the NPPF, the Planning (Listed Buildings and Conservation Areas) Act 1990 and draft Policies SP15, HE1 and HE4, it is considered the proposals would be seen within the context of neighbouring residential development to the north and south and due to their siting, design and appearance and scale, would result in no harm, thereby preserving the significance of the setting of the scheduled monument and historic park and garden.

#### Appropriate Assessment

- 2.19 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.
- 2.20 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 the agent has agreed that the required contribution would be secured via a legal agreement if permission is granted.
- 2.21 Subject to this contribution being secured by a legal agreement, 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 in line with the objectives of draft Policy NE3.

#### Planning Balance

- 2.22 The proposals would provide the modest contribution of one dwelling towards the Council's 5-year housing land supply. The application site is located within the settlement confines identified in Policy DM1 and the principle of residential development in this sustainable location is considered acceptable. The site is also within the Draft settlement confines associated with draft Policy SP4 and would accord with draft Policy H5. These factors provide moderate weight in favour of the proposal.
- 2.23 Due to the design, siting and scale of the development, the proposal is considered to have an acceptable impact in respect of visual and residential amenity (subject to the imposition of conditions), as well as being acceptable in regard to flood risk, highways and parking, ecology and trees and archaeology and heritage, weighing in favour of the development.
- 2.24 Overall, having had regard to the objectives of NPPF Paragraph 11, it is considered that the benefits of the scheme outweigh the disbenefits, with material considerations indicating that permission should be granted.

### **3. Conclusion**

- 3.1 For the reasons set out above, and having had regard to the tilted balance engaged under NPPF Paragraph 11, the proposed erection of a dwelling with associated parking is considered acceptable in principle and in respect of other material considerations, with the benefits of the development outweighing the disbenefits and it is recommended that permission be granted.

**g) Recommendation**

- I PERMISSION BE Granted subject to the completion of a legal agreement to secure financial payments towards mitigating the impact of the development on the Thanet Coast & Sandwich Bay SPA and the following conditions:
- 1) Time condition
  - 2) List of approved plans
  - 3) Samples of external materials
  - 4) First floor dressing room window on the south elevation to be fitted with obscure glazing prior to first occupation
  - 5) 1.8m privacy screen to be installed prior to first use of the southernmost balcony (as shown on the plans)
  - 6) Hard and soft landscaping scheme and maintenance for 5 years following completion
  - 7) Unexpected archaeology
- II Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions, obligations and reasons in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Rachel Morgan