

a) **24/00123 - Erection of a dwelling with vehicular access and associated parking - Danehurst, Kingsdown Hill, Kingsdown**

Reason for report – Number of objections.

b) **Summary of Recommendation**

Grant planning permission.

c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, CP7, DM1, DM11, DM13

Draft Dover District Local Plan (March 2023) – The Draft Dover District Local Plan is being examined. Following the Inspectors' initial advisory letter, consultation on the Main Modifications commenced on 11 April 2024. Whilst that process is not complete and the final report has not been received, there is a high probability that policies will eventually be adopted as originally worded or as proposed to be modified. Therefore, having regard to paragraph 48 of the National Planning Policy Framework, they can generally be given a considerable amount of weight. The relevant policies are: SP1, SP2, SP4, SP14, SP15, CC2, CC4, CC6, CC8, PM1, PM2, TI1, TI3, NE1, HE3

National Planning Policy Framework (NPPF) (2023): Paragraphs 7, 8, 11, 12, 47, 48, 60, 96, 108, 114, 115, 123, 124, 128, 135, 136, 139, 165, 173, 180, 186, 189, 190, 191, 200

National Design Guide & National Model Design Code (2021)

d) **Relevant Planning History**

23/01102 – Erection of two storey rear and side extension with first floor balcony (existing garage and shed demolished) – Granted

23/00081 - Erection of a rear extension, which would extend beyond the rear wall of the original house by 7.92m, for which the maximum height would be 3.64m, and for which the height of the eaves would be 3.52m – Prior Approval Granted

22/01540 – Application for prior approval: proposed enlargement of a dwellinghouse by the construction of an additional storey – Prior Approval Refused – Appeal Dismissed

21/01130 – Application for Prior Approval: Proposed enlargement of a dwellinghouse by the construction of an additional storey – Prior Approval Refused – Appeal Dismissed

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

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

Ringwould Parish Council- No response

Southern Water - Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

KCC Archaeology - No response received.

### Third party Representations:

10 letters of objection have been received as summarised below:

- The application property once had a very large garden which has since been subdivided into plots for Trimmingham and The Warren.
- Trimmingham and The Warren are the narrowest plots on the road. The proposed plot would be narrower than Trimmingham and The Warren and will not extend to the rear boundary.
- The plot is too small and the frontage too narrow to accommodate a dwelling which is compatible with the local area.
- The application is misleading as the proposed plans do not include the approved two storey side and rear extension to Danehurst which will significantly enlarge the existing property.
- Through the continued development of Kingsdown Hill the road is becoming overdeveloped and losing its rural appeal.
- The proposal and the approved development to Danehurst will result in more parking demand and vehicular movements which will be detrimental to Kingsdown Hill, which is a private road.
- The proposal will result in an overbearing impact and loss of light and outlook to the adjacent neighbour.
- The proposal will result in a loss of privacy.
- Construction of the proposal would result in disruption and congestion to local residents.

13 letters of support have been received as summarised below:

- Small-scale brownfield development proposals are preferable to greenfield and greatly facilitates local government in achieving its house building target.
- The proposal is sympathetic to the surrounding area.
- The proposed dwelling will be provided with sufficient separation to the adjacent neighbours either side, which is reflective of similar relationships in the road.
- The property and plot of Danehurst was in a poor and overgrown condition prior to its purchase by the current applicant. The development will further aid the improvement of the site.
- The development accords with planning requirements for parking, turning, amenity space and floor area.
- The proposal will have a positive impact on the local community.
- No loss of privacy to neighbours.
- The proposal will have a minor impact on parking.
- The proposal will have an almost immeasurable increase in the overall use of the road.

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

1.1 The application site comprises part of the southern side garden to Danehurst. Danehurst is a moderately sized detached two storey mid 20th century dwellinghouse, set within a generous plot of approximately 0.3 hectares.

1.2 The site is located on Kingsdown Hill, within the settlement confines of Kingsdown. Kingsdown Hill is a private road which is characterised by single and two storey detached dwellings of varied styles and designs, set within good sized plots. For the most part dwellings are set back from the road behind front gardens and driveways,

with boundary planting and views of the wider countryside contributing to the overall context. Kingsdown Hill has a falling gradient from north to south.

- 1.3 It is understood that the application site and Danehurst was formerly in a poor and overgrown condition. Permission has been granted for the erection of a two-storey rear and side extension with first floor balcony through DOV/23/01102. At the time of the site visit, there was evidence of vegetation clearance and improvement works to the site, alongside the commencement of ground works for DOV/23/01102.
- 1.4 This application is for the erection of a two storey dwellinghouse with vehicular access and associated parking. The proposed plot forms part of the southern side garden and measures approximately 11m in width to its frontage and 30m in depth and does not extend to the rear boundary of Danehurst. The proposed dwelling is a reduced, but comparable size and footprint to Danehurst and reflects its design, appearance and materiality. The dwelling will be provided with a vehicular access and parking to its frontage, with a degree of landscaping separating the parking from the grass verge, and a moderate rear garden.
- 1.5 The site is within a Coal Authority Development Low Risk Area and an Archaeological Notifications Areas.
- 1.6 The proposed layout of the site, the proposed floor plans and the proposed elevations of the dwelling are provided in Figures 1, 2 and 3 respectively.



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



**Figure 2: Proposed Floor Plans (not to scale)**



**Figure 3: Proposed Elevations (not to scale)**

## 2. Main Issues

2.1 The main issues for consideration are:

- The principle of development
- Character and appearance
- Impact on living conditions
- Highway issues
- Ecology and trees
- Flood risk, drainage and contamination
- Archaeology

## **Assessment**

### **Principle of Development**

- 2.2 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework are a significant material consideration in this regard.
- 2.3 The site is located within the settlement confines and the creation of residential accommodation in this location would accord with Policies CP1 and DM1 of the Core Strategy and Draft Policy SP4 of the Draft Dover Local Plan. As such, the development is acceptable in principle, subject to the assessment of all material planning considerations.

### **Character and Appearance**

- 2.4 Paragraph 135 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.
- 2.5 The proposal is for a two storey detached dwelling. The proposed dwelling would be located on the northeastern side of Kingsdown Hill between Daneshurst and Trimmingham, both two-storey detached dwellings.
- 2.6 The proposed dwelling would follow the established building line of Kingsdown Hill and would be set below the height of Danehurst and above the height of Trimmingham in response to the falling gradient of the road north to south. The dwelling would be provided with separation distance to both its boundaries and these adjacent neighbouring properties. The dwelling will be a reduced, yet comparable footprint and scale to the adjacent neighbouring properties and will be set under a hipped roof, which is consistent with the adjacent neighbours. The hipped roof will pitch away from these neighbours, thereby increasing the separation between the dwellings at roof level.
- 2.7 Danehurst has permission for a two storey side and rear extension, to which construction appears to have commenced. This committed development will enlarge Danehurst, however the extension will be located to the north side and rear, which is set away from the proposed dwelling and Kingsdown Hill in a more visually discreet location which will limit its impact upon the proposal.
- 2.8 The size of the plot would be a comparable, albeit slightly reduced, width to the adjacent plots of Trimmingham and The Warren. The depth of the plot would not extend to the rear boundary of Danehurst. Whilst the proposed plot and dwelling would be smaller than surrounding development, it would not be significantly so, and the reduced depth of the plot would not be highly apparent from public views from Kingsdown Hill due to its location. The separation distance provided to its boundaries and adjacent neighbours would not be dissimilar to properties in the wider locality.
- 2.9 Through the scale, form, location of the proposed dwelling and its relationship with the adjacent neighbours the proposed dwelling is considered to be comfortably accommodated in the street scene. The layout and siting of the proposed plot and

dwelling is considered to be suitably compatible with the surrounding urban grain and pattern of development. The proposed street scene is provided in Figure 4 below.



**Figure 4: Proposed Street Scene**

- 2.10 The dwelling shall comprise a simple and traditional design and appearance which reflects and complements the adjacent dwelling Danehurst. The dwelling incorporates a front hipped roof projection and landing window feature, which together with its detailing and use of materials provides visual interest to the dwelling. The design of the dwelling is considered to be of sufficient quality and will relate well to the varied dwelling types and designs in the local area.
- 2.11 In terms of landscaping, the proposal would incorporate permeable hardsurfacing to its frontage to provide a driveway and 2no. parking spaces. Between the parking spaces and grass verge an area of soft landscaping and hedgerow is proposed, together with further soft landscaping to the side and rear of the hardsurfaced area. Soft landscaping is proposed to the rear garden in the form of grass and a hedgerow. Provided the hard surfacing is a suitable material, which will be secured by a landscaping condition, the proposed hard and soft landscaping is considered to be suitably compatible with the local area.
- 2.12 Given the comparatively reduced size of the plot and the context of the area it is considered that a condition should be imposed to remove some permitted development rights related to extending the property in the interests of the visual amenity of the area.
- 2.13 Overall, the proposed development is considered to form a suitably comfortable and compatible development which responds to and integrates with the surrounding built environment. The proposal would therefore accord with Draft Policy PM1 of the Draft Dover Local Plan and the National Planning Policy Framework.

#### Impact on Residential Amenity

- 2.14 Draft Policy PM2 relates to quality of residential accommodation and requires that all new residential development must be compatible with neighbouring buildings and spaces and not lead to unacceptable living conditions for neighbouring properties. Development should be of an appropriate layout with sufficient usable space and contain windows in all habitable rooms to facilitate comfortable living conditions with natural light and ventilation. Whilst the Nationally Described Space Standards are yet to be formally adopted, they are referenced in the emerging plan in respect of internal accommodation. Well-designed private or shared external amenity space should be provided on-site, that is of appropriate size and fit for purpose.

- 2.15 The height of the proposed dwelling would be approximately 5.5m to the eaves and 8m to the ridge, with the roof pitching away from each adjacent neighbour. The dwelling will align with the rear elevation of Trimmingham and will be set forward of the rear elevation of Danehurst. Trimmingham does not have any side elevation windows facing the application site. Danehurst contains a ground and first floor window facing the proposed dwelling, which are secondary windows. Due to the siting of the dwelling, the height proposed, the distances retained from the boundaries and neighbouring properties and the relationship with the adjacent neighbouring properties, it is not considered that there would be any unacceptable loss of daylight/sunlight, overbearing impact or overlooking into neighbouring properties.
- 2.16 The dwelling will be provided with a first floor window to each side elevation serving a bathroom. These windows will be conditioned to be obscure glazed and non opening up to a height of 1.7m above internal finished floor level, which will prevent harmful overlooking. The dwelling will also be provided with a ground floor window and door serving a W.C and utility respectively. Given the use of these rooms, their ground floor location and the proposed 1.8m side boundary treatment, these windows are not considered to result in a loss of privacy. Views from the first floor rear elevation windows to adjacent neighbours to the side will be oblique, which are not considered to be significantly harmful. There will be a separation distance of over 40m to the adjacent neighbours to the rear, which will significantly exceed separation distances typically considered to be acceptable when considering impacts from overlooking.
- 2.17 Concerns have been raised regarding noise, disturbance and disruption during construction. Whilst it is likely that there will be some associated impact, construction is temporary in nature and the development of the application site for a single dwelling is not considered to result in significant harm to residential amenity.
- 2.18 The proposed dwelling would be provided with a comfortable internal layout and will exceed the applicable Nationally Described Space Standards for a 3 bedroom 2 storey dwelling. All primary habitable rooms will be provided with a good standard of light, outlook and ventilation. A moderate garden is proposed which will provide acceptable external amenity space and is capable of accommodating suitable cycle storage. Refuse storage is provided to the frontage. It is therefore considered the proposals would provide a good standard of amenity for occupiers of the proposed dwelling, which would accord with Paragraph 135 of the NPPF and Draft Policy PM2.

#### Highways

- 2.19 Draft Policy TI1 states that development should, in so far as its size, characteristic and location, be readily accessible by sustainable transport modes and make provision for secure cycle parking and storage in accordance with the Parking Standards.
- 2.20 Policy DM13 sets requirements for parking provision in compliance with SPG4 which sets out standards for the maximum number of parking spaces. Draft Policy TI3 requires proposals to use the requirements of Kent Design Guide Review: Interim Guidance Note 3 as a starting point in relation to vehicle parking.
- 2.21 The proposal includes provision of two independently accessible vehicle parking spaces, which accords with the requirements of Policy DM13 and Draft Policy TI3 and provides an acceptable provision of on site parking for this suburban location. The site is located within the confines of Kingsdown, and is within walking distance of services and facilities, and bus links. The dwelling shall be provided with a moderate

rear garden which is capable of accommodating suitable secure cycle storage, which shall be secured by condition.

- 2.22 The proposed access is considered to demonstrate sufficient visibility, and a condition securing this will be included should permission be granted. The development would result in limited associated vehicular movements, which would not significantly affect the local highway network.
- 2.23 Therefore, given the above, it is considered that the development would have an acceptable impact on highway safety and amenity and would accord with the requirements of Policy DM13 and Draft Policies TI1 and TI3.

#### Ecology and Trees

- 2.24 Paragraph 180 requires that when determining planning applications, local planning authorities should refuse planning permission if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or compensated for. It also states that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.
- 2.25 Given the nature of the proposal and the site forming part of an existing garden curtilage and having regard for Natural England Standing Advice, it is not considered that there would be any unacceptable ecological implications within or adjacent to the site.
- 2.26 The application site is located outside the 9km zone of influence radius of the Thanet Coast and Sandwich Bay SPA and is therefore not subject to the required mitigation for additional recreational pressures arising from new residential development, in accordance with Draft Policy NE3.

#### Archaeology

- 2.27 Draft policy HE3 relates to archaeology. The site is located within an area of some palaeolithic potential and an area of multi period archaeological potential within Ringwould with Kingsdown Parish.
- 2.28 KCC have been consulted but have not responded. Given the site's location it is considered reasonable to impose a condition requiring a watching brief.

### **3. Conclusion**

- 3.1 The proposal is located in a sustainable location within the village confines of Kingsdown and close to bus routes. There would be some socio-economic benefits provided by the development at construction and operation stage, albeit minor.
- 3.2 It is not considered that proposal would cause any unacceptable impacts on the visual amenity, or residential amenity of the area, or any other planning considerations.
- 3.3 To conclude, the proposed scheme is acceptable in principle, would preserve the character and appearance of the area, would not result in any unacceptable impacts on neighbour amenity and is considered to be acceptable in all other aspects. It is considered to accord with local plan policies and the aims of the NPPF.



3.4 Accordingly, in light of the above it is recommended that planning permission is granted subject to the conditions set out below.

**g)Recommendation**

- I PLANNING PERMISSION BE GRANTED subject to the following conditions:
  - 1) Time limit
  - 2) Approved plans
  - 3) Samples of materials
  - 4) Fenestration set in reveals
  - 5) Landscaping
  - 6) Obscure glazing to first floor side windows
  - 7) Provision of bicycle storage facilities
  - 8) Provision of refuse/recycling storage facilities
  - 9) Provision and retention of parking
  - 10) Visibility splays
  - 11) Removal of some permitted development rights
  - 12) Archaeological watching brief
  
- II Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions and legal agreement in line with the issues set out in the recommendation and as resolved by the Planning Committee.

**Case Officer**

Jenny Suttle

*The Human Rights Act (1998) Human rights issues relevant to this application have been taken into account. The Assessment section above and the Recommendation represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).*