

a) **DOV/23/01231 – Erection of new dwelling – 8 Green Lane, Eythorne**

Reason for report – Number of contrary views (23)

b) **Summary of Recommendation**

Planning permission be granted

c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, 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: PM1, PM2, SP4

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

d) **Relevant Planning History**

DOV/23/01060 - Erection of a single storey rear extension, replacement roof, 2 side dormer windows and 4 rooflights to facilitate a loft conversion - Granted

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

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

Eythorne Parish Council – Objects

- Query land ownership
- Loss of privacy and overlooking
- Scale and dominance of proposed dwelling will result in loss of light to neighbouring chalet bungalows
- Materials are not in keeping with other properties
- Impact on highway safety

County Archaeologist - No comments received.

Southern Water – Advice provided for the applicant

Third party Representations: 23 objections have been received and are summarised below:

- Height of proposed dwelling exceeds neighbouring properties
- The design would be an eyesore
- Out of keeping with immediate area
- Road is not able to support construction vehicles
- Drains will not cope with additional property
- Overdevelopment in the village
- Impact on parking within the immediate area
- Reduce value of neighbouring properties
- Impact on wildlife
- Overbearing impact to nearby properties

- Overlooking to properties within Green Meadows

3 representations in support of the proposals have been received and are summarised below:

- Plans adhere to planning law
- Will provide work in local area
- Good design

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

1.1 The application site relates to the rear garden of 8 Green Lane, a chalet bungalow located to the northeast of Green Lane, located within the settlement confines of Eythorne.

1.2 The application proposed to subdivide the rear garden of 8 Green Lane and erect a moderately sized 1.5 storey chalet dwelling. The dwelling is proposed to be set back from Green Meadows, with off road parking to the front of the dwelling accessed via an existing dropped kerb. The dwelling will be provided with a rear and side garden and it is proposed to include landscaping to the east of the dwelling, to border the access road, Green Meadows. The proposed layout of the development is included at Figure 1 below:

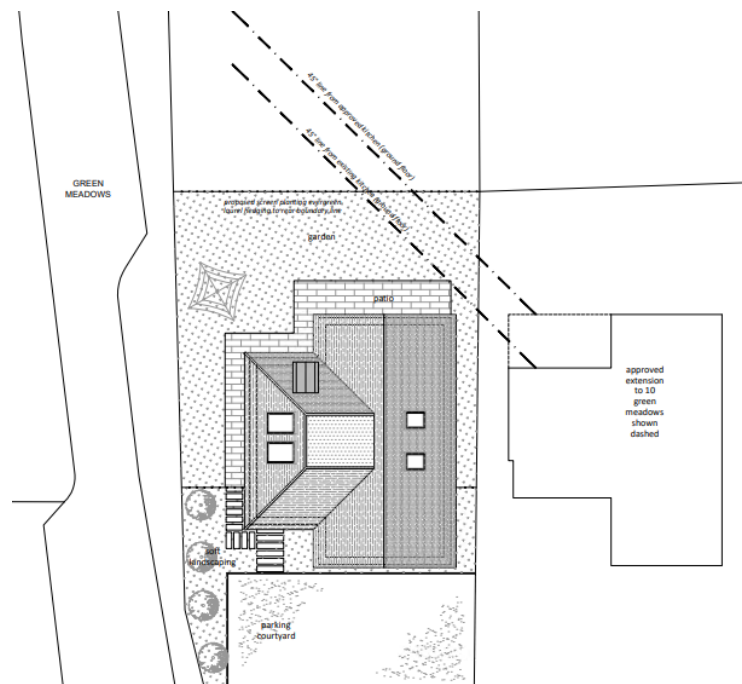


Figure 1: Proposed Block plan (not to scale)

1.3 The design of the proposed dwelling would comprise a gabled form, with a single dormer set within the southern roofslope. The proposed elevations of the dwelling are included at Figure 2 below:

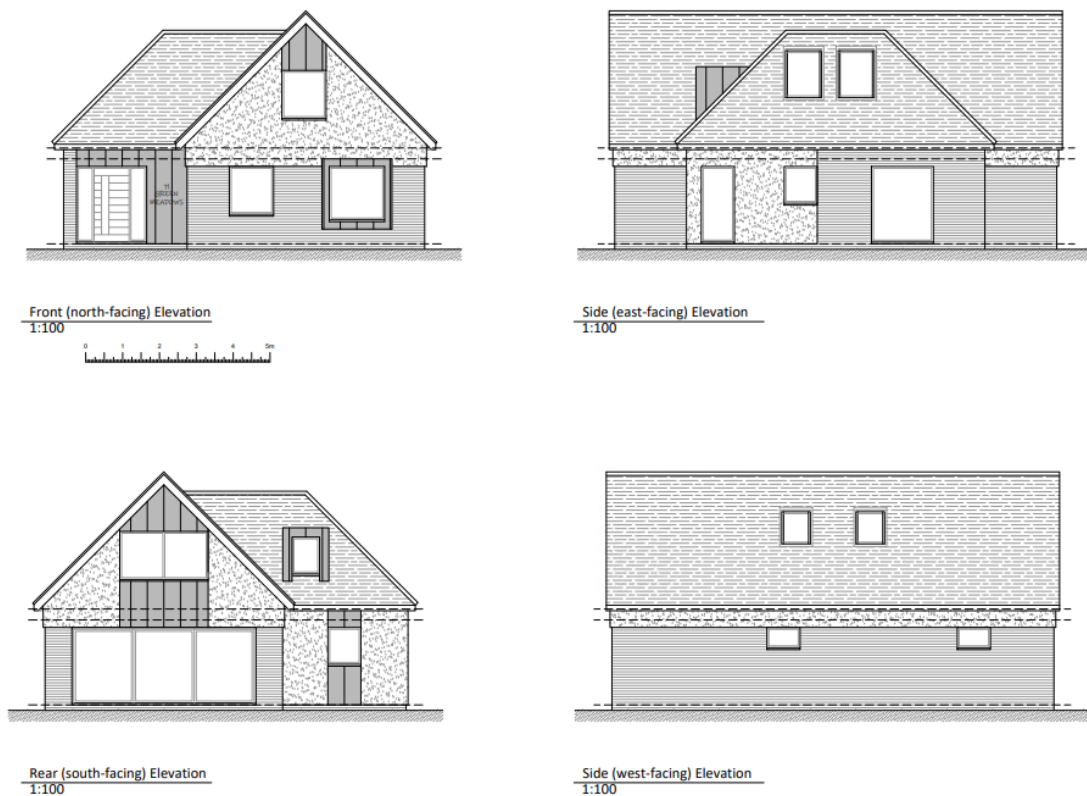


Figure 2: Proposed Elevations (not to scale)

2. **Main Issues**

2.1 The main issues for consideration are:

- Principle of the development
- Impact on visual amenity
- 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 Eythorne and the creation of residential accommodation in this location would accord with Policies CP1 and DM1. As such, the development is acceptable in principle, subject to impact on visual and residential amenity and other material considerations discussed below.

Impact on Visual Amenity

- 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 surrounding area is an established residential area which contains a range of characters and building types including the late 20th century cul-de-sac development Green Meadows. The surrounding pattern of development is included in Figure 3 below.

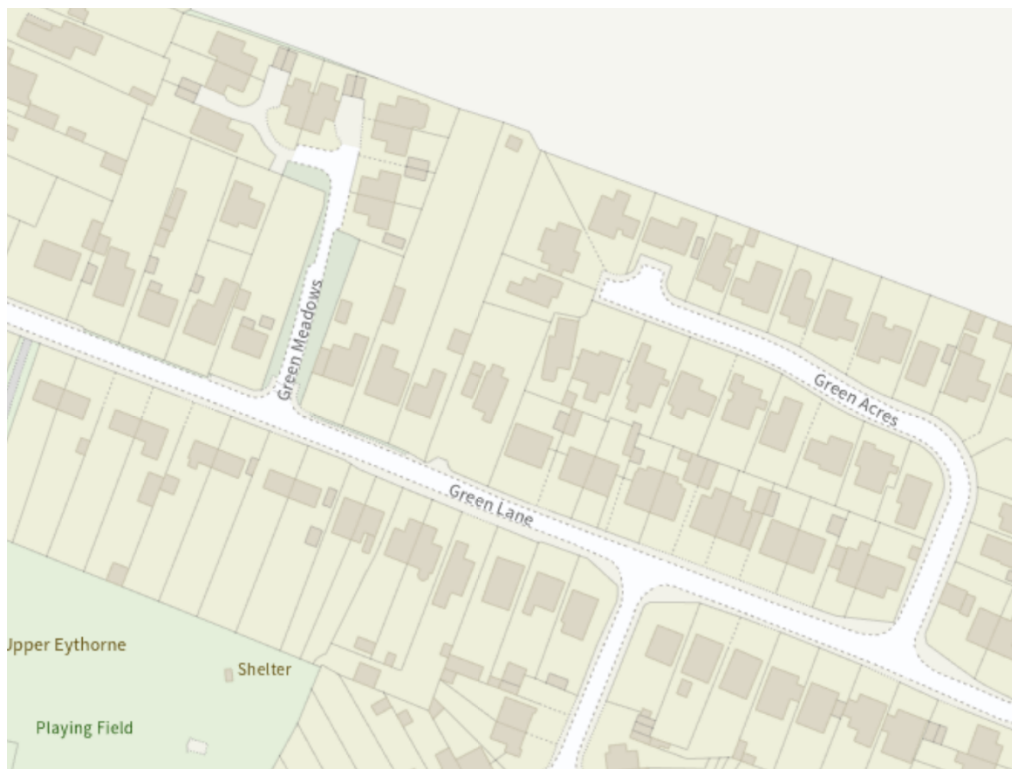


Figure 3: Plan of surrounding area

- 2.6 The proposed development would form an addition to part of the existing cul-de-sac. The dwelling would front and be accessed from Green Meadows and would be in line with the adjacent property, 10 Green Meadows. Through its location, relationship with the surrounding built development, it is considered that the proposed dwelling could be comfortably accommodated within the plot and would not appear at odds with the pattern of development and layout of Green Meadows, which is clustered around the turning head. The layout, scale and appearance of the dwelling would respond to its neighbour 10 Green Meadows.
- 2.7 The material finish of the proposed dwelling includes grey multi brickwork, and white render with a slate roof. While it is understood that this material palette does not match the existing late 20th century properties within Green Meadows, the corner plot forms a transition between the properties within Green Lane and Green Meadows, including the property 10 Green Meadows.
- 2.8 Within Green Lane, and Green Meadows, planting and vegetation forms part of the character of the area and boundaries of many of the nearby properties. Within the

proposals, additional landscaping is proposed to the eastern boundary and the rear boundary shared with 8 Green Lane. Details of the landscaping can be secured by condition.

Impact on Residential Amenity

- 2.9 Section (f) of Paragraph 135 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 result in harm to the residential amenities of neighbouring properties.
- 2.10 In terms of overlooking, the proposed primary windows serving the bedrooms would be to the north and south elevations located within the gable end of the property. These windows would look towards 8 Green Lane to the southwest and 5 Green Meadows to the north. A separation distance of approximately 25m will be provided to these dwellings. It is noted that, whilst 8 Green Lane would be around 25m away, the rear garden to the proposed dwelling is relatively shallow, meaning the windows facing this neighbour would be around 6 metres from the common boundary with the property. It is considered that this will give rise to a degree of overlooking to the rear section of No. 8's garden; however, given the overall separation distance and the degree of overlooking caused, on balance this is not considered sufficient to warrant refusal. Given this distance and the orientation of the adjacent dwellings, including No.1 and No.2 Green Meadows, the proposal will not result in harmful overlooking to adjacent properties. The western roofslope will contain 2 rooflights, which will serve a bathroom and ensuite, which given its position and the area served, will not result in harmful overlooking to the adjacent neighbour to the west. The remaining windows, by virtue of their position and relationship with adjacent properties will not result in harmful overlooking.
- 2.11 Concerns have been raised in relation to overshadowing and an overbearing impact of the proposed dwelling on neighbouring property, 10 Green Meadows. While the application property is located in close proximity to its neighbour, approximately 1.5 metres off of the shared boundary, there is only one window in the west elevation. This window serves a utility room only. Therefore while it is accepted that there may be some overshadowing and overbearing impact to this room, it is not sufficient to warrant refusal.
- 2.12 Furthermore, the design of the property, with the low eaves and pitched roof, sloping steeply away from No.10 Green Meadows, would further reduce any perceived overbearing from the property.
- 2.13 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. While no specific area has been allocated for the storage of refuse and recycling, there is ample space within the site to accommodate this.
- 2.14 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 135 of the NPPF

Highways

- 2.15 The application site is located within a village location, which in accordance with Policy DM13, would necessitate 2 parking spaces. The proposed dwelling would be provided with an off-street parking area, with space for at least 2 vehicles. This is considered to be sufficient parking provision to serve the proposed dwelling.
- 2.16 Given the layout and characteristics of the proposed development and the existing site, together with the likely limited number of associated 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 is therefore considered to be acceptable in terms of highway safety.

Ecology

- 2.17 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 8 Green Lane, which contains mowed lawn, and some planting. Given the nature and characteristics of the 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.
- 2.18 There is no requirement to consider the likely effect on European Sites as the application site is located outside of the 9km zone of influence radius of the Thanet Coast and Sandwich Bay SPA Mitigation Strategy. It is therefore not subject to required mitigation or additional recreational pressures arising from new residential development, in accordance with draft policy NE3.

3. Conclusion

- 3.1 The proposal would provide an additional dwelling within the settlement confines of Eythorne, which is acceptable in principle. The development would integrate well with, and respond to, the surrounding built environment. The proposal would not result in an unacceptable impact upon residential amenity, highway safety or ecology. The proposed development is therefore considered to be acceptable and represents sustainable development in accordance with the applicable policies and the NPPF, and so 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. Landscaping
5. Provision and retention of parking
6. Removal of some PD rights

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

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).