

a) **DOV/23/01353 – Erection of detached dwelling, formation of vehicle access and parking – Land West of Nandeos, Saunders Lane, Ash**

Reason for report – Number of contrary views (27 received within the consultation period)

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, CP6, 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: SP1, SP4, PM1, PM2, TI3, HE1

Ash Neighbourhood Plan  
ANP4, ANP5, ANP6, ANP13

National Planning Policy Framework (NPPF) (2021): Paragraphs 2, 8, 11, 108, 114, 131, 135, 186, 188, 200-207

National Design Guide & National Model Design Code (2021)

Kent Design Guide

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66(1) - "In considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Hills Downe – Grade II listed building

d) **Planning History**

DOV/20/00075 - Erection of a detached dwelling, formation of vehicle access and Parking. Granted.

DOV/09/00289 – Erection of a detached dwelling and construction of vehicular access (details pursuant to DOV/07/00784). Granted.

DOV/08/01152 – Erection of a detached dwelling and construction of vehicular access (details pursuant to DOV/07/0784). Refused.

DOV/07/00784 – Outline application for the erection of a 3no. bedroom dwelling and construction of a vehicular access. Refused – appeal allowed.

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

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

Ash Parish Council – Object for the following reasons:

- The site is at a higher level than Orchard View
- Overlooking to the rear/loss of privacy
- Loss of light
- Increase in size
- Low quality materials
- Not in keeping with the street scene
- Possibility of run-off from site to properties in Orchard View
- Loss of wildlife habitat with removal of hedgerow
- Ask for a substantial traffic construction management plan  
**(Officer note – construction management plans are not typically required for applications that consist of 1 dwelling)**

Kent Highways – It would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority.

Third party Representations: 27 objections have been received and are summarised below:

- Overshadowing/impact on daylight – particularly to Orchard View
- Concern of flooding caused by rainwater run off
- Parking concerns
- Impact to traffic flow on Saunders Lane
- Overlooking/loss of privacy
- Overbearing
- Materials not in keeping
- Concerns over parking
- Impact to wildlife
- Object to construction hours
- According to 1990 town and country building regulations the proposed erection must by law be at least 22m away from surrounding properties to the rear. The proposed dwelling would be 15m at its furthest end and less than 13.5m from its closest point.  
**(Officer note – this is not from the Town and Country Planning Act. 21m is a guideline for rear elevation separation distances, however this is just a general guideline. In this case planning permission has been granted on this site previously with a distance of 13m between rear elevations).**
- Impact to Grade II listed building
- Neighbour has an oil tank in close proximity
- Not a suitable site for a house
- Soak away too close to the boundary
- 25 degree rule
- Plot not acceptable due to sewage pipe
- Right to light  
**(Officer note – this is not a material planning consideration)**
- This is not required in the Ash Neighbourhood Plan
- Overdevelopment of the village

1 representation in support of the proposals has been received and is summarised below:

- Having recently purchased the adjoining house and having viewed the design, layout and dimensions and overall aspect of the new build – no objections or reservations to it being built

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

1.1 The application site relates to a plot of land on the north side of Saunders Lane, within the village confines of Ash.

1.2 The site itself is a parcel of land which originally formed the garden of the adjacent dwelling, Nandeos (located to the east). The site measures approximately 10.5m and 12.4m in width and 23.8m in depth.

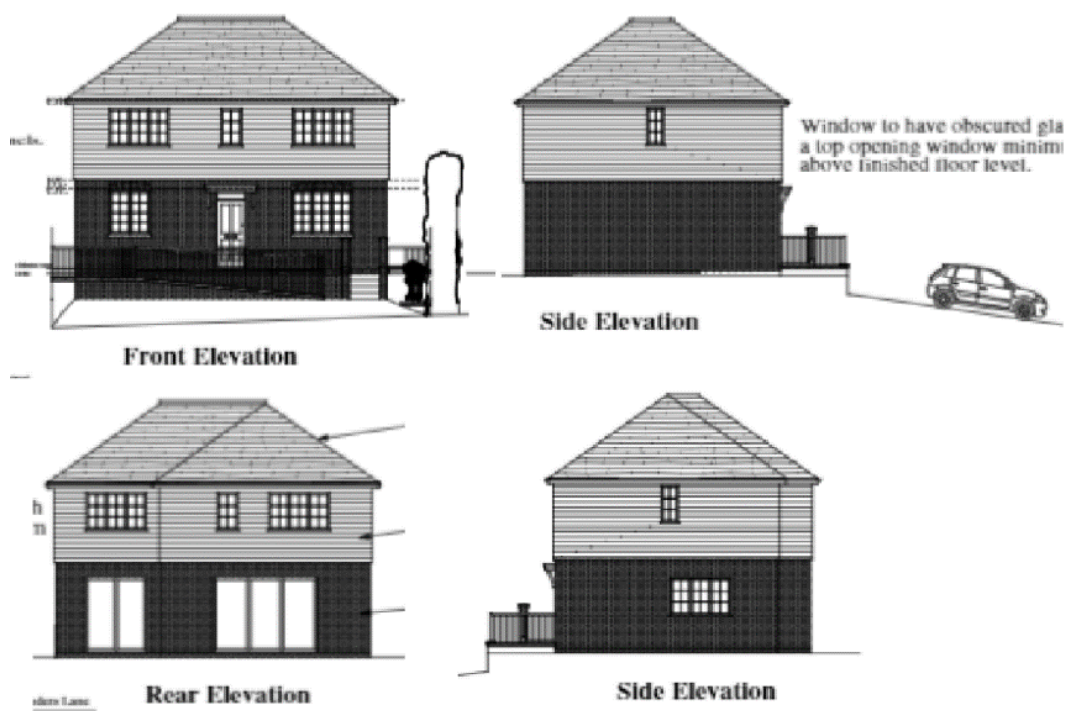


**Figure 1: Proposed block plan**

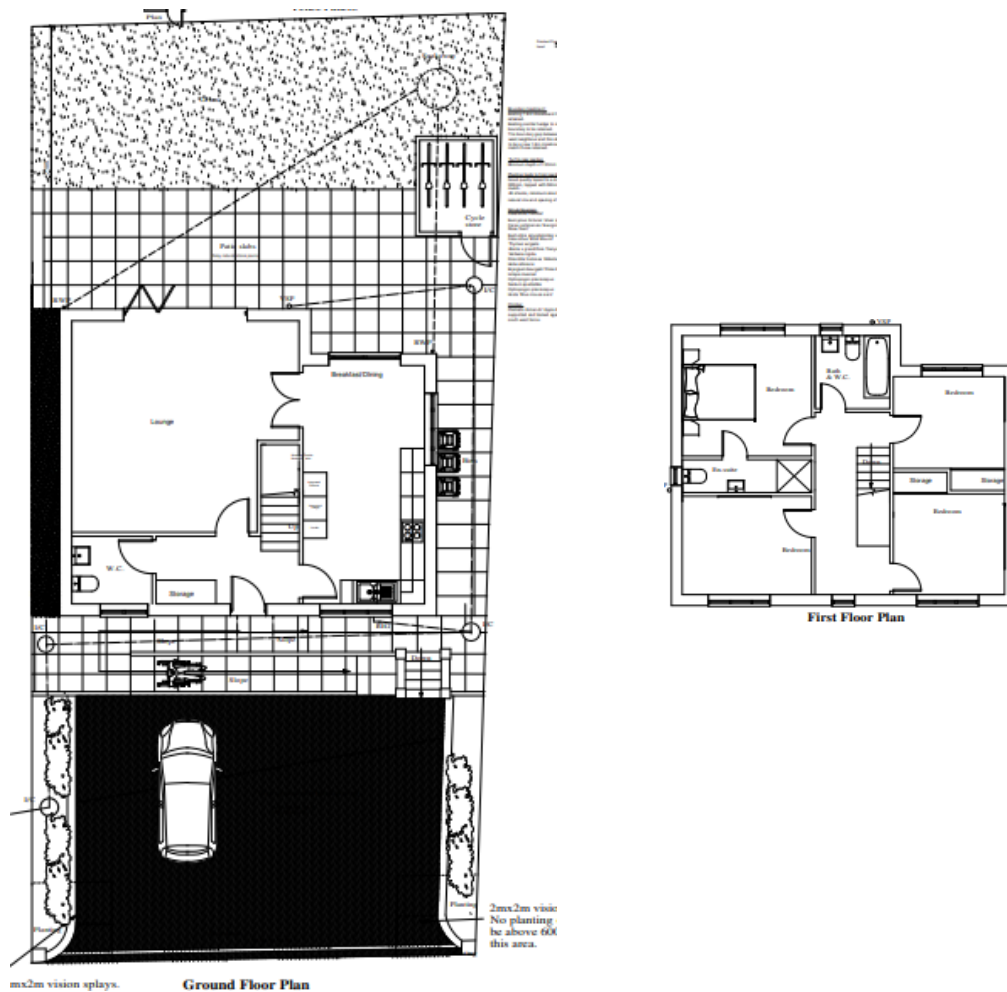
1.3 To the rear (northwest), the site shares a boundary with Nos. 1 and 3 Orchard View; which are detached bungalows and to the southwest, the site is bounded by the gardens to the rear of Nos. 108 – 114 New Street (evens). To the southwest of the site, on the opposite side of Saunders Lane is the Grade II Listed Building: Hills Downe.

1.4 Since the granting of the previous application (DOV/20/00075) the site, which was previously garden land, has been excavated in order to get the plot ready for construction. The site therefore slopes gently upward from the street and then flattens out towards the middle of the site. The flat part of the site is therefore approximately 0.38m lower than it was originally to accommodate the siting of the dwelling.

- 1.5 The applicant seeks consent for the erection of a detached dwelling, formation of vehicular access and parking. The proposed dwelling would measure approximately 9.5m in width and 6.6m in depth and would have a two-storey rear projection measuring approximately 6.3m in width and 1.1m in depth. The dwelling would have a hipped roof with an eaves height of approximately 5.1m and a ridge height of 7.6m. The rear elevation would be 7.1m away from the rear boundary at its closest point. The dwelling would be finished in pale coloured weatherboarding at first floor and red stock brickwork at ground floor level with white uPVC windows and a natural slate grey roof. As mentioned above the land has already been excavated to form the parking area to the front for two vehicles, with steps and a ramp leading up to the dwelling. Refuse storage and cycle storage would be provided within the garden of the property, which would be surrounded by a close boarded fence.



**Figure 2: Proposed elevations**



**Figure 3: Proposed floor plans**

- 1.6 Under DOV/20/00075 permission was granted for the erection of a detached dwelling, formation of vehicular access and parking. This dwelling would have measured approximately 8.8m in width and 5.7m in depth and would have had a two-storey rear projection measuring approximately 5.6m in width and 1.2m in depth. The dwelling would also have had a hipped roof with an eaves height of 4.9m and a ridge height of 7.8m. The rear elevation would also have been 7.1m away from the rear boundary at its nearest point.
- 1.7 Proposed street scenes were submitted with both the previous application and the current application and these clearly show the position of the dwelling in comparison to the neighbouring dwelling, Nandeos. This shows that the ground floor level of the proposed dwelling would be approximately 0.5m lower than the ground floor of the previously approved dwelling and that the ridge level would also be lower. These street scenes can be seen below:



**Figure 4: Previously approved street scene (left) and proposed street scene (right)**

## **2. Main Issues**

2.1 The main issues for consideration are:

- Principle of the development
- Impact on the character and appearance
- Impact on residential amenity
- Parking/highways
- Flood risk
- Drainage
- Archaeology
- Pre-commencement conditions

### **Assessment**

#### Principle of Development & History of the site

- 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 lies within the settlement confines and the creation of residential accommodation in this location would accord with policies CP1 and DM1 of the Core Strategy. Although the site is at the edge of the confines, and accessed via a rural lane, the site is in a predominantly residential area and within relatively close proximity of local amenities and public transport. Given this, the proposals would accord with the NPPF, subject to the residential amenity of future and surrounding occupiers.
- 2.4 Planning permission has previously been approved twice for the development of a two-storey detached dwelling (neither of which were implemented). An outline application for the erection of a 3no. bedroom dwelling and construction of a vehicular access was initially refused but later allowed at appeal by the Inspector. A reserved matters application was eventually granted for the erection of a detached dwelling and construction of vehicular access (details pursuant to DOV/07/00784). Since then, a further application was approved for a 4no. bedroom dwelling and construction of vehicular access (DOV/20/00075). This

was very similar to the previously approved application, with the addition of a first floor level en-suite window to the west elevation. The current scheme is similar in appearance, however with a change in materials, a reduced overall height and changes to the detailed elevations. To accommodate for a shallower roof the dwelling has been made slightly wider. The dwelling itself would also be set into the land by approximately 0.5m lower than the previously approved house.

#### Impact on Character and Appearance and Heritage

- 2.5 ANP1 states that development proposals must have regard to the purpose of conserving and improving the physical surroundings. ANP6 states that proposals for new development should demonstrate a high standard of design which respects and reinforces the local distinctiveness of its location, surroundings and the individual character areas of the Parish. ANP6 also states that new developments should be designed to avoid increased vulnerability to the impacts of climate change by ensuring development demonstrates how adaptation measures and sustainable development principles have been incorporated into the design and proposed implementation.
- 2.6 The proposals have resulted in substantial excavation and landscaping to the front boundary of the site to enable the creation of a driveway. Whilst this has resulted in a substantial change to the semi-rural character of the street scene, given that two other dwellings on this side of Saunders Lane have a similar layout, I do not consider that the proposals would result in unacceptable harm to the character of the street scene.
- 2.7 In respect of the design of the proposed dwelling, this is similar to the design previously approved which was considered to be complimentary to the existing vernacular and context of the area. Policy PM1 of the draft Dover Local Plan places emphasis on achieving high quality design, stating that new development must “b. Be well designed paying particular attention to scale, massing, rhythm, layout and use of materials appropriate to the locality”. The changes to the scheme have, it is considered, simplified the appearance of the dwelling, including the loss of the previously proposed chimney, brick plinth, lead cill flashings and exposed rafter feet, together with altering the proportions of the windows. Whilst this simplification is regrettable, it is not considered that the resultant building would be visually harmful. Subject to a condition requiring samples of the external materials of the dwelling to be submitted (which, for the avoidance of doubt, would be written so as to allow movement away from the materials stated in the submitted drawings if the physical samples are unacceptable), it is considered that the proposed materials would be in keeping with those of the wider area and would sit comfortably with the character of the street scene. It is also recommended that conditions be attached to ensure that the finished details of the building (in particular the front elevation) are appropriate. This would include details of window reveals and avoidance of meter cupboards etc. Consequently, the development would accord with paragraph 135 of the NPPF and policy PM1.
- 2.8 ANP6 requires development proposals to respect, conserve and enhance the settings of Listed Buildings and street frontages as described in the Ash Character Assessment and to respect the integrity, character and appearance of the conservation areas.
- 2.9 In respect of the impact on the nearby Grade II Listed Building (Hills Downe), it is considered that the design and appearance of the dwelling and proposed

driveway, being set back from the public highway and on the opposite side of the Listed Building, would result in no unacceptable harm to, and would thereby preserve the significance of the setting of the Listed Building in accordance with the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990 and ANP6 of the Ash Neighbourhood Plan, subject to the aforementioned conditions.

#### Impact on Residential Amenity

- 2.10 The proposals would be visible from a number of surrounding properties and the impact is discussed as follows:
- 2.11 Nandeos – Located to the east of the site, this adjacent chalet bungalow is set at approximately the same ground level as the application site, with a landscaped driveway to the front. The dwelling has several windows on the flank elevation (considered likely to be secondary windows) from which the proposals would be visible, however there would be a good separation distance between the dwellings and as such, the proposal is considered unlikely to result in an unduly overbearing impact or result in unacceptable overshadowing. In respect of privacy, the proposed dwelling would have no windows on the flank (east) elevation (to be secured by condition in the interests of privacy) and due to the siting and angle of the dwellings, the development is considered unlikely to result in unacceptable overlooking or harm to privacy.
- 2.12 Properties on New Road – whilst the proposed dwelling would be visible from the windows of the rear elevations of these dwellings, due to the design and separation distance, the proposals are considered unlikely to result in an unduly overbearing impact on residential amenity. In respect of privacy, the dwelling would feature one window at first floor level (serving an en-suite bathroom) on the (west) elevation. Given the use of the room this window would serve, and subject to a condition requiring obscured glazing (and that the window be non-opening below 1.7m from the internal floor level, with permitted development rights restricted to prevent the installation of additional windows on this elevation), it is considered the development is unlikely to result in significant harm to the privacy of these nearby residents. Due to the orientation of the site and sun path, the development would result in some shadow being cast towards the neighbouring gardens during the mornings. However, on balance, this is considered unlikely to result in unacceptable overshadowing or harm to residential amenity. This is especially true and it would impact the far end of these gardens and not their most private amenity spaces which would be located nearer to the dwellings in which they serve.
- 2.13 3 Orchard View – located to the northwest of the site, this single storey bungalow has a rear conservatory and windows on the rear elevation from which the proposal would be directly visible. The gardens of the two sites are separated by a 2m tall concrete post and wooden fence panel and no changes are proposed to the existing site boundary (although it is considered appropriate to impose a condition requiring details of landscaping, which would include boundaries, to be submitted prior to above ground development in the interests of visual and residential amenity). Whilst this would preserve the privacy of the neighbouring occupants at ground floor level, three windows (two of which serve bedrooms and the third serves a bathroom) are proposed at the first floor level of the dwelling. There would be a separation distance of between 7.1m and 8.7m between the proposed dwelling and the rear garden boundary and a distance of between 13m and 17m between the two dwellings (with No. 3 Orchard View



being set at an oblique angle to the site). As discussed in the Principle of Development section, a two-storey dwelling in this location has been previously considered to be acceptable twice and could have been constructed (whilst the previous permissions were not implemented, they are a material consideration in the determination of this application of some weight). The proposed windows on the rear elevation are in the same position and serving the same room uses as those previously approved, with the exception of the bathroom instead of a hallway, which would be a betterment due to the window being obscured and non-opening up to 1.7m. Whilst the proposal may result in perceived overlooking, given the intended room uses served by the windows (bedrooms, where occupants would be most likely to look out of the windows in the mornings and evenings, rather than for prolonged periods throughout the day), the development is, on balance, considered unlikely to result in such significant harm that it should be recommended for refusal. Due to the design and appearance of the dwelling, as well as boundary treatment, the development is considered unlikely to result in a significantly overbearing impact on residential amenity. Due to the orientation of the site, the dwelling would cause some shadow towards the neighbouring property during the afternoons, however this would be unlikely to result in significant loss of light due to the separation distance, oblique angle of the neighbouring dwelling and hipped roof proposed. It is also considered that this dwelling would be a betterment in comparison to the dwelling approved under DOV/20/00075 as it would be set lower in the site and has a lower height overall and would therefore have less of an impact on No. 3 Orchard View than that previously approved.

- 2.14 1 Orchard View – located to the west of the site, there would be a separation distance of approximately 12m between the two dwellings. This semi-detached bungalow, which forms the other half of the pair with No. 3 Orchard View, has a single storey projection and windows on the rear elevation from which the proposal would be visible. However, due to the siting, scale, design and separation distance between the two dwellings, the development is considered unlikely to result in a significantly overbearing impact on residential amenity. As with No. 3 Orchard View, the proposed windows of the dwelling would be visible from this property and occupants may experience some perceived overlooking. However, due to the room use of these windows and separation distance, the proposal would result in a significantly overbearing impact on the amenity of the nearby dwelling such that refusal would be warranted.
- 2.15 Consequently, it is, on balance, considered that the proposed development would be unlikely to result in significant harm to the residential amenities of nearby residents and would accord with paragraph 135 of the NPPF.
- 2.16 Amenity of the proposed occupiers – The proposed dwelling would contain four well-sized bedrooms, with separate lounge, kitchen and dining room at ground floor level leading out the private rear garden. Furthermore, secured bicycle storage has been identified and two parking spaces would be provided. On the previously approved application the Waste Officer raised concerns regarding the positioning of the bins, in respect of moving them to the kerbside for refuse collection or alternative location for bin storage to be submitted. A condition was imposed requiring details of a ramped access. This application has included a ramped access to the front of the dwelling with bin storage down the side of the proposed dwelling and therefore this concern has been addressed within this application. A condition will be imposed to ensure the provision and retention of this space for bin storage. The site is in a predominantly residential area, and therefore occupants would be unlikely to suffer from significant noise

disturbance. As such, it is considered the proposals would provide a good standard of amenity which would accord with Paragraph 135 of the NPPF.

#### Highways

- 2.17 The proposed four-bedroom dwelling would have two parking spaces which would accord with Policy DM13 (Parking Provision). Furthermore, there is space to the front of these spaces which would provide additional visibility for vehicles leaving the site and could be used partially as a lay-by for other vehicles.

#### Drainage

- 2.18 Southern Water (SW) were consulted on the previous application and advised that a formal application for a connection to the public foul sewer would need to be made by the applicant or developer. A map provided by SW indicated that there was a water main adjacent to the front (southeast) boundary of the site and as such, SW have advised that the exact position of the water main must be determined on site, that no excavation, mounding or tree planting should be carried out within 6m of the public water main without consent from SW, no new soakaways should be located within 5m of a public water main and that all existing infrastructure should be protected during the course of construction works. They advised that the impact of any works with highway/access road on public apparatus should be assessed and approved, in consultation with Southern Water, under NRSWA enquiry in order to protect public apparatus. This information will be included as an informative to the agent/applicant.
- 2.19 The site is not located in a groundwater protection zone and the application form identifies that foul sewage will be discharged to the main sewer. No details of surface water drainage have been provided, other than that it will be discharged to a soakaway, however the agent has confirmed their agreement to a pre-commencement condition requiring details of SUDs to be submitted. As such, the proposal is considered acceptable in this regard.

#### Archaeology

- 2.20 The site itself does not fall within an Area of Archaeological Potential (AAP) and the County Archaeologist has therefore not been consulted on this application. However, the land to the west of the site does fall within an APP. The levels on site have already been altered. However, it is possible that features could still remain in areas which have not been excavated as deeply or where foundations are proposed. As such, it is considered appropriate to impose a condition that should any archaeological remains be discovered during the course of development, works be ceased until the applicant/agent has secured the implementation of a watching brief, undertaken by an archaeologist approved by the Local Planning Authority, to observe the excavation and record items of interest.

### **3. Conclusion**

- 3.1 The proposed erection of a detached dwelling, formation of vehicular access and parking, for the reasons set out in the above report, would not cause significant harm to the character and appearance of the street scene and would, on balance, be unlikely to result in unacceptable harm to the residential amenities of nearby residents. The development would provide one dwelling in a sustainable location and, consequently and on balance, the proposals accord with the aims and

objectives of the NPPF to approve development unless the harms significantly and demonstrably outweighs the benefits.

**g) Recommendation**

**I PLANNING PERMISSION BE GRANTED, subject to conditions:**

1. Time Limit
2. Approved plans
3. Materials sample
4. Bike storage
5. Bin storage
6. Parking provision
7. No discharge of surface water onto highway
8. Landscaping scheme
9. Obscure glazing on flank elevations
10. Permitted development restrictions – windows
11. PD restrictions – Classes A, B, C, D, E
12. Drainage
13. Finished floor levels
14. Archaeology

**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

Alice Pitts

*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).*