

- a) **DOV/24/00068 - Change of use of existing flat and shop to a single dwelling (Use class C3) with the erection of a single storey rear extension, replacement windows and door, and insertion of flue - 6 St Peters Street, Sandwich**

Reason for report – Called in by Cllr Mark Moorhouse on the grounds that the proposed change of use is contrary to policy R1 in the Draft Dover District Local Plan and the primary shopping area should be protected in accordance with the NPPF.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM13, DM22

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: R1, PM1, HE2, HE3, NE3

National Planning Policy Framework (NPPF) (2023): Paragraphs 7, 8, 11, 90, 135, 200-208

National Design Guide & National Model Design Code (2021)

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended): Sections 66(1), 72(1)

- d) **Relevant Planning History**

DOV/17/00304 - Change of use of shop and flat into self-contained residential dwelling (C3) including the erection of a single storey rear extension - Granted

DOV/19/00911 - Erection of a rear extension, replacement front window and door – Granted

DOV/22/00228 - Change of use to a single residential dwelling (Use class C3) with the erection of a single storey rear extension and replacement windows and door. Granted May 2022.

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

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

Sandwich Town Council – Object to the change of use as it is against the directive R1 in the Regulations 19 Dover Local Plan to protect the vitality and viability of the Town Centre. The primary shopping area should be protected as justified and in accordance with the NPPF.

Heritage – The front elevation should reflect the building’s return to a dwelling. A timber panelled front door is appropriate, the panel proportions are incorrect. Traditional timber doors should have the bottom and central panels of equal size with smaller panels at the top of the door.

The removal of the existing modern ground floor shop window is considered appropriate. However, the details of the columns either side of the window are not considered to be appropriate as they would introduce a decorative feature that is not appropriate and would confuse how the dwelling is read, and it is therefore requested that these details are removed. With this removal the window would be considered acceptable and would preserve the character of the Conservation Area. However, there is an opportunity for betterment which can be seen below:

There is an opportunity to enhance both the building and the Conservation Area through the replacement of the modern window with a traditional sash window. The window opening should be reduced in size and traditional timber sash windows (matching the sash windows on the 1<sup>st</sup> floor) inserted. As the property was originally residential, reinstating the sash window would restore the historic character of the property. A sash window would also enable an opening element to the window.

Third party Representations: None received

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

- 1.1 The application site relates to a building which was originally built as a single dwellinghouse but was previously converted to a shop at ground floor level with a flat above. The property has been empty since 2015.
- 1.2 It is located to the east of St Peters Street, which lies within the urban boundary of Sandwich and within the Sandwich Walled Town Conservation Area (CA). The building is bounded by 8 St Peters Street, a residential dwelling, to the north and 4 St Peters Street, which is a jewellers, to the south.



Figure 1: Site location plan

- 1.3 The applicant seeks permission for the change of use of the existing flat and shop to a single dwelling (Use Class C3) with the erection of a single storey rear extension, replacement windows and door and insertion of a flue. This includes the removal of the modern shop front and insertion of a timber shopfront casement within the existing opening, the replacement of the modern fully glazed front door with a 6 panelled timber front door and the erection of a single storey rear extension on the east elevation with a roof lantern. The rear extension would be constructed out of bricks to match the existing building with traditional painted timber bi-fold doors. The flue would be located on the rear elevation to serve a log burner, would be black in colour and would not extend beyond the ridge height of the main roof.
- 1.4 Further to the receipt of heritage comments amended plans have been received showing traditional panelling to the new door and the removal of the decorative feature to the surround of the existing window. The applicant has chosen not to remove said window and introduce timber sash windows as a potential betterment suggested by heritage officers. The applicant is of the view that keeping the shop window retained a sense of the historic shopfront and also provides additional natural light to the internal space.

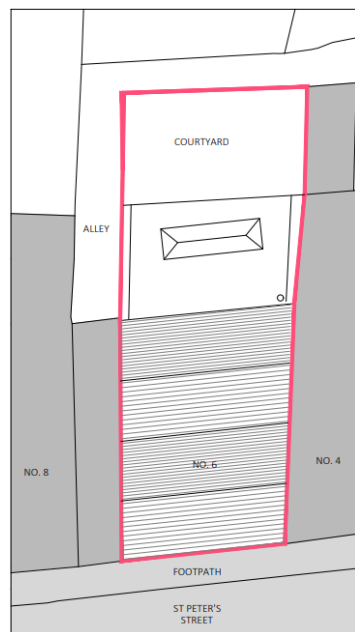


Figure 2: Proposed block plan

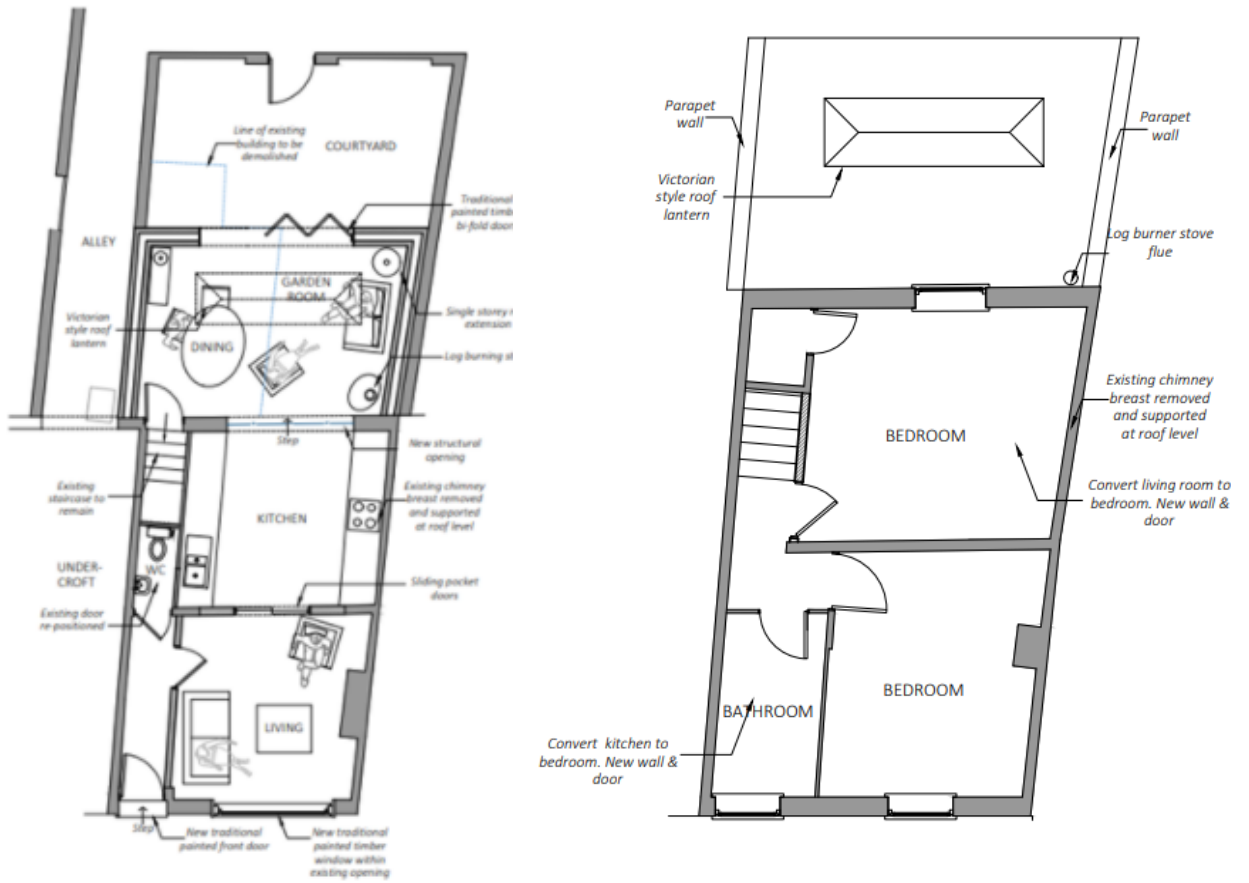


Figure 3: Proposed

ground and first floor plans



Figure 4: Proposed front elevation as submitted



Figure 5: Proposed front elevation as amended



Figure 6: Proposed rear elevation

## **2. Main Issues**

2.1 The main issues for consideration are:

- Principle of the development
- Impact on visual amenity and heritage
- Impact on residential amenity

### **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 lies within the settlement confines identified in Policy DM1 and residential development is therefore considered to be acceptable in principle subject to the consideration of other policies in the Development Plan and subject to other material planning considerations.
- 2.4 There is an extant permission granted in May 2022 for the change of use to a single dwelling (Use Class C3) This was granted at a time when greater weight was given to policy DM22 of the Core Strategy which did not seek to protect primary shopping frontages in Sandwich. The Draft Dover District Local Plan had not been out for consultation and therefore had very little weight in the decision-making process.
- 2.5 Policy R1 of the Draft Dover District Local Plan seeks to ensure the protection of the vitality and viability of the District's Primary Shopping Areas. This says that changes of use to residential will not be permitted on the ground floor of any unit within the Primary Shopping Areas (PSA). Notwithstanding this, the current extant planning permission for a change of use to a dwelling is a significant material consideration as it can be implemented outside of this planning application. In turn, the site is located on the very edge of the PSA where the premises to the north are all in residential use and its former use was as a dwelling. It is therefore considered that there would be no significant harm to the vitality of the town centre as a result.

#### Impact on Visual Amenity and Heritage

- 2.6 The site lies within the Sandwich Walled Town Conservation Area which is subject to an Article 4 Direction. Regard must be had to the provisions of Section 72(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 which states that "In the exercise, with respect to any building or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area." Regard must also be had to the provisions of the NPPF, in particular paragraphs 200-208 at Chapter 16: Conserving and Enhancing the Historic Environment. Notwithstanding the statutory duty, the NPPF paragraph 207 requires that regard must be had for whether that harm would be substantial or less than substantial and whether, if

harm is identified, there is sufficient weight in favour of the development (public benefits) to outweigh that harm.

- 2.7 Whilst the applicant has not sought to introduce a more traditional sash casement window to the front elevation, it is considered that what is proposed (with the removal of the previous decorative detailing originally submitted) results in simple fenestration detail that together with the new traditional panelled timber door sits comfortably within the context of the street scene with no harm to visual amenity.
- 2.8 Whilst the proposed rear extension has a flat roof, it is of a modest scale, with appropriate traditional detailing and materials, that sits discretely to the rear of the property. The flue sits discretely to the rear elevation. There would therefore be no harm to visual amenity.
- 2.9 A condition will be imposed to ensure the joinery details of the windows/doors to the front elevation are appropriate as well as brick details for infilling around the window given the sensitive context within a CA.
- 2.10 The proposed black flue is considered to be acceptable due to this being a minor addition to the rear of the property that would have no impact upon visual amenity.
- 2.11 Given the above, the proposals are therefore considered to preserve the character and appearance of the surrounding Conservation Area, with no harm to the significance of the heritage asset and is therefore considered compliant with the aims and objectives of the NPPF, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Draft Dover District Local Plan.

#### Impact on Residential Amenity

- 2.12 The changes to the front of the property would have no impact upon the amenity of neighbouring properties.
- 2.13 The proposed rear extension would be in close proximity to the neighbouring boundary of No. 4 St Peter's Street to the south. There is an alleyway between the development and the neighbouring property at No.8 to the north. The extension is single storey but in any event abuts existing built development at No.4. There would therefore be no impact. The development would therefore comply with policy H6 of the Draft Dover District Local Plan.
- 2.14 In respect of the amenity of the proposed residents, some minor internal changes are proposed, with good sized bedrooms, kitchen and lounge area and garden. Therefore, the proposed dwelling meets the Nationally Described Space Standards (NDSS) and as such it is considered that the potential occupants would experience a good level of amenity. The development would therefore accord with the aims of Paragraph 135 of the NPPF in respect of amenity.

#### Impact on Parking and Highways

- 2.15 The proposed dwelling would have no off-road parking and Policy DM13 sets out that dwellings of this size, in this location should provide at least one parking space. As such, the development would not accord with Policy DM13. However, the existing use as a shop could result in a greater number of vehicles parking in the surrounding area than the proposed single residential use. Furthermore, due to its town centre location it is considered that the property is in a sustainable location, with good access to public transport. As such, the development is not

considered to result in a significant increase in parking pressure or undue harm to highway safety and would accord with DM13.

### **3. Conclusion**

- 3.1 The application, despite resulting in the loss of a building previously in a retail use in a primary shopping area in Sandwich, is not considered to cause significant harm to the vitality and viability of the town centre for the reasons given. Therefore, the change of use to a single dwelling is considered to be acceptable. Furthermore, the physical works would preserve the character and appearance of the Conservation Area. For the reasons outlined above, there would be no harm to the residential amenities of the occupants of surrounding properties or highway safety. The proposals would therefore accord with the aims and objectives of the NPPF and Development Plan policy.

### **g) Recommendation**

I PLANNING PERMISSION BE GRANTED, subject to conditions:

- 1) Time limit
- 2) Approved Plans
- 3) Samples/Details relating to bricks and joinery

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 sections 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).*