

- a) **DOV/22/01625 - Erection of porch, raised terrace with balustrade, storage underneath dwelling and associated changes in ground levels, replacement cladding to elevations, erection of retaining wall and alterations to fenestration (part-retrospective) - Evergreen, Slip Lane, Alkham**

Reason for report – Number of contrary views (7)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

The Development Plan comprises the following:

- Dover District Local Plan to 2040 (2024)
- Worth Neighbourhood Plan (2015)
- Ash Neighbourhood Plan (2021)
- Kent Minerals and Waste Local Plan 2013-2030 (as amended by Early Partial Review) (2020)
- Kent Mineral Sites Plan (2020).

Dover District Local Plan to 2024 (2024) - The relevant policies are: PM1, PM2, H6, SP15, HE2

National Planning Policy Framework (NPPF) (2024): Paragraphs 7, 8, 11, 135, 189, 207-215

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

Section 72(1) - "In the exercise, with respect to any buildings or other land in a conservation area... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Conservation Area

Alkham Conservation Area

Kent Downs Area of Outstanding Natural Beauty Management Plan 2021- 2026

National Design Guide & National Model Design Code (2021)

- d) **Relevant Planning History**

DOV/24/005814 – Alterations to garage roof to increase the height and introduce a pitched element (retrospective). Granted.

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

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

Alkham Parish Council – Object for the following reasons:

- Impact to Public Right of Way ER162
- Removal of trees
- Impact to visual amenity and conservation area

Heritage – no comments

KCC Public Rights of Way – Following the receipt of amended plans and the reduction in depth of the terraced area, their objection to the application was withdrawn. Further detail on this can be seen later in the report.

Third party Representations:

7 Representations of objection have been received and are summarised below:

- Impact to Public Right of Way
- Impact to privacy/increase in overlooking
- Impact to carbon footprint from excavation and retaining wall
- Impact to Conservation Area – inappropriate materials proposed
- Parking
- Felling of trees
- Existing drawings are incorrect
- Incongruous design
- Proposed porch would be overbearing and out of scale

1 representation in support of the proposals have been received and are summarised below:

- The renovation works have been ongoing for years and neighbours want to see it finished
- The porch will improve the appearance of the property
- The storage area will keep the site tidy

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

1.1 The application site comprises a semi-detached bungalow on the east side of Slip Lane, located within the settlement confines of Alkham. Works to the property had already been started but the dwelling was originally timber featheredge boarding and red brick, with white uPVC windows and a plain clay tiled, hipped roof. It is situated within the Alkham Conservation Area and lies within the Kent Downs National Landscape. The dwelling is set back from the road by approximately 35m. The site is flat at the front but rises up towards the rear of the site. The existing dwelling is therefore set at a higher level than the street. Public Right of Way ER162 runs through the front garden of the site and then down the side of the site. The attached dwelling to the north is Church View and the site is also bounded by Eachway to the South. There is woodland located to the east of the site.

1.2 There is a detached garage located to the southwest of the dwelling at the front of the site. The site is accessed via Slip Lane and also has a driveway which would provide off-road parking for at least 2 cars. The site is currently overgrown but the works to the property itself have ceased whilst the planning application is processed.



Figure 1: Site location plan with location of the Public Right of Way

- 1.3 The applicant seeks permission for the erection of a porch, a raised terrace with a balustrade and storage underneath, associated changes in ground levels, replacement cladding to the elevations, the erection of a retaining wall and alterations to the fenestration. The proposed porch would be on the south elevation and is of a simple form with a gable end and a pitched roof. The raised terrace and glazed balustrade would be on the west elevation. The storage underneath would have 2 doors with dark grey composite cladding. The dwelling would be clad in a Cedral light grey woodgrain composite boarding, with uPVC windows, white aluminium doors and a red plain clay tiled roof. The patio space to the east of the dwelling will be extended with a new retaining wall put in place to the east. The changes in fenestration include: a change from windows to sliding patio doors on the west elevation and the infilling of an existing door to the south elevation.
- 1.4 The application as originally submitted included the terraced area to the west which had a depth of 2.7m. An objecting comment was initially received KCC Public Rights of Way as the terraced area obstructed the Public Right of Way. This has since been amended to a reduced depth of 2m. The terraced area consequently no longer extends over the existing Public Right of Way ER162 and therefore KCC Public Rights of Way have removed their objection to the application.

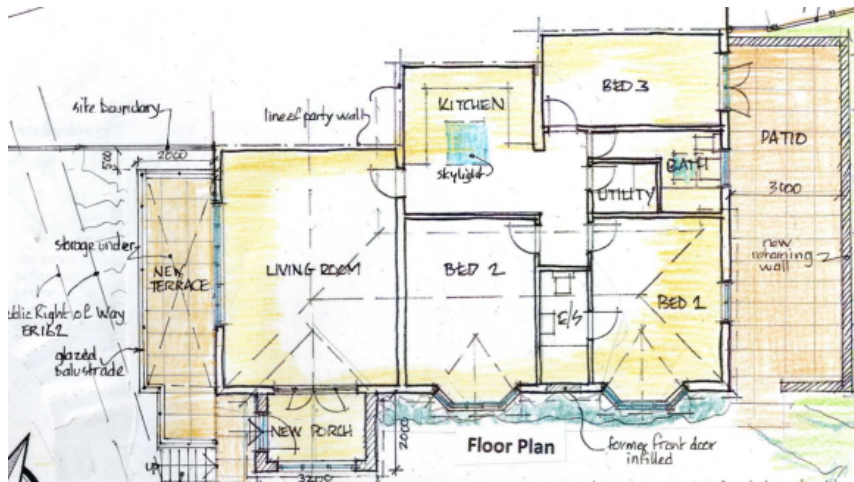


Figure 2: Proposed floor plan



Figure 3: Proposed south elevation



Figure 4: Proposed west elevation



Figure 5: Proposed east elevation

2. Main Issues

2.1 The main issues for consideration are:

- Principle of the development
- Impact on visual amenity
- Impact on 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 Policy H6 of the Dover District Local Plan provides in principle support for residential extensions subject to each of its criteria being met.

2.4 The most relevant of these criteria in assessing the proposal are a) to e) which broadly cover the relationship between the proposal and the existing dwelling, the conservation of the National Landscape and heritage asset, the need for the proposal to avoid any harm to the amenity of neighbouring buildings, and the need for the proposal to be in accordance with the design requirements of Policy PM1. These factors are discussed in more detail in the remainder of the assessment.

2.5 Accordingly, the proposals in this location are therefore considered to be acceptable in principle.

Impact on Visual Amenity

2.6 The site is within the Kent Downs National Landscape and the NPPF (paragraph 189) states that "*Great weight should be given to conserving and enhancing landscape and scenic beauty in...National Landscapes which have the highest status of protection in relation to these issues.*" Moreover, Section 85 of the Countryside and Rights of Way Act 2000 places a duty on Local Planning Authorities to 'have regard' to the "*purpose of conserving and enhancing the natural beauty of the [National Landscape]*".

2.7 The proposals are considered to be minor additions to the existing dwelling. The proposed porch is of a simple form which would be single storey and its design with a pitched roof would be in keeping with the existing dormer windows on the same elevation. The proposed terraced area with storage underneath would only have a depth of 2m and the balustrade would be glazed. The attached dwelling to the north has an existing terrace area and therefore this element is also considered to be in keeping with the surrounding area. Slip Lane includes a variety of dwellings, both single storey and two storey, and all are of different design. The proposals are therefore considered not to impact upon visual amenity.

2.8 The other elements of the proposals would be to the side and rear of the dwelling and therefore would not be visible from the street. In any case these are

considered to also be further minor additions and are also considered to be acceptable.

- 2.9 Whilst the change in materials to the elevations and roof would result in a change to the appearance to the dwelling, these are considered to be minor and there would not impact upon visual amenity.

Impact on Heritage

- 2.10 The site lies within the Alkham Conservation Area and therefore regard must be had for the Planning (Listed Buildings and Conservation Areas) Act 1990, section 72(1). Policy HE2 also lists the criteria necessary for the preservation of conservation areas in the Dover District.
- 2.11 As explained above, the proposals are considered to be minor additions to the dwelling. The only elements that could be seen from the wider conservation area are the porch extension, the terraced area with storage underneath and the change in materials. As explained above the extensions are considered to be minor and would therefore result in no harm to the conservation area.
- 2.12 Whilst the change in materials do create a visual change to the dwelling it is considered that the other dwellings along this street are finished in a variety of materials and therefore the materials proposed are considered to be acceptable. However, it is considered necessary to impose a condition to ensure that a sample of the cladding is received and approved prior to the completion of the development to ensure the cladding is of high-quality and that the colour is appropriate. The proposals are therefore considered to conserve the appearance of the Conservation Area.
- 2.13 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 are therefore considered compliant with the aims and objectives of the NPPF, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Dover District Local Plan.

Impact on Residential Amenity

- 2.14 One of the criteria necessary for Policy PM2 of the Dover District Local Plan includes the protection of the residential amenity currently experienced by neighbouring buildings, including through overlooking, overshadowing and overbearing. This echoes paragraph 135 of the NPPF.
- 2.15 The proposal includes the addition of a raised terraced area to the front of the dwelling. This therefore has the potential to increase overlooking to neighbouring properties. The proposal would not lead to harmful overlooking to Eachway due to the separation distance, the boundary treatment (a high-level wall) and the oblique angle in relation to their most private garden area.
- 2.16 It is considered that there would be an increase in overlooking to the front garden of Church View, however this would not be to an unacceptable degree. This would only lead to overlooking of the front garden area which is not considered to be a private amenity space and therefore does not require the same level of protection as a rear garden.

2.17 The proposed extensions and retaining wall as previously explained are considered to be minor additions to the dwelling and therefore due to their location and scale would not result in additional overbearing or overshadowing to any neighbouring properties.

2.18 The proposals are therefore considered to be in accordance with Paragraph 135 of the NPPF and PM2 of the Dover District Local Plan.

3. Conclusion

3.1 The proposals, due to their design, form, siting, scale and materials would have no impact upon visual amenity and would conserve the landscape and scenic beauty of the Area of Outstanding Natural Beauty whilst also preserving the character and appearance of the Conservation Area. For the reasons outlined above, the proposals would not result in unacceptable harm to the residential amenities of surrounding occupants. Consequently, the proposals accord with the Development Plan and the aims and objectives of the NPPF.

g) Recommendation

I PLANNING PERMISSION BE GRANTED, subject to conditions:

- 1) Time limit
- 2) Approved plans
- 3) Materials sample for the cladding

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).