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**Application: DOV/13/00916**

**57 Castle Avenue  
Dover**

TR31804225



- a) **DOV/13/0916 – ERECTION OF A DETACHED TWO STOREY BUILDING INCORPORATING A GARAGE AND SUMMERHOUSE AND CREATION OF A VEHICULAR ACCESS - 57 CASTLE AVENUE, DOVER, CT15 1EZ**

Reason for report: The level of public interest in the application.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

**Dover District Core Strategy (DS)**

- Policy DM1 states that development will not be permitted outside of the urban boundaries and rural settlement confines unless specifically justified.
- Policy DM13 states that provision for parking should be a design-led approach based upon the characteristics of the area, the nature of the development and design objectives.

**National Planning Policy Framework (NPPF)**

- The NPPF has 12 core principles which amongst other things always seek to secure high quality design and a good standard of amenity for all existing and future occupants.

Policies contained within Sections 7 (Requiring good design) and 11 (Conserving and enhancing the natural environment) are considered to be applicable.

**The Kent Design Guide**

- The Kent Design Guide provides criteria and advice on providing well designed development.

- d) **Relevant Planning History**

There is no planning history of relevance on this site.

It is considered to be material that planning permission was refused for the erection of a single-storey one bedroom dwelling below an existing double garage at No. 63 Castle Avenue (DOV/12/00818). An appeal against this refusal was subsequently dismissed in August 2013.

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

Amended plans were received on the 6<sup>th</sup> February 2014 and a further period of public consultation carried out. The last date for comments to be submitted is the 7<sup>th</sup> March 2014, after the preparation of this report. Any additional representations will be reported verbally at the Committee meeting.

**KCC Highways and Transportation:** Refer to the amended plans submitted and confirm they have no objections in respect of highway matters. Adequate

visibility is available at the access and the parking arrangements are now acceptable. Note the concerns expressed regarding vehicles reversing on/off Connaught Road, however there is adequate visibility both for drivers approaching the garages and for drivers exiting the garages. The proposed arrangements are similar to those for existing garages and parking areas in Connaught Road.

Dover Town Council: No objection (in response to the amended plans).

Public Representation: Eight letters of objection have been received from residents in Castle Avenue, Prestwich, Guildford, and from The Dover Society. These raised the following concerns:

- The building is far too big for a two car garage. It is an attempt to build a new house on the garden which is evidenced by the size, design and provision of plumbing.
- The size of the building is unnecessary for a summerhouse and out of keeping with the neighbourhood. Materials would not be sympathetic.
- The building would alter the semi-rural character of the area. The natural and historic environment comprising Castle Avenue should be preserved.
- A garage presents dangers on what is already a busy and dangerous road and has the potential to cause traffic accidents.
- A number of mature trees have been removed.
- The development would set an unacceptable precedent for garden development.
- The proposal would result in a loss of privacy and amenity for neighbouring residents.
- Previous appeal decisions are applicable to this application particularly in respect of conclusions regarding to adverse impact of development upon the character of the area.

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

- 1.1 The site is located within the urban confines of Dover and consists of the end of the garden of No.57 Castle Avenue, a large three-storey residential property. The rear garden is a substantial size and backs onto Connaught Road, along with the neighbouring properties Nos.55-75 (odd). The rear gardens are well below the level of Connaught Road, with the garden level being approximately 3.2m below the pavement level.
- 1.2 Connaught Road has timber fencing along the rear garden boundaries with three sets of flat roofed garages also visible, although it appears that these are used relatively infrequently for parking purposes. Behind a number of the fences are prominent trees. The southern side of the road behind the houses and the adjacent school consists generates minimal activity. The northern side of the site consists of the wooded Connaught Park.
- 1.3 The garden rises up significantly from the patio level at the rear of No.57 itself. The bank at the rear of the site has been cleared of trees and vegetation. At the top of the site is timber fence which defines the rear site boundary. The site has various incidental domestic structures including a shed and play equipment. The side boundaries are defined by a timber fence adjacent to No.55 and a hedgerow with No.59.

1.4 *Plans will be on display.*

## 2. **Main issues**

2.1 The main issues in the consideration of this application are:

- The principle of the development;
- The impact upon the character and appearance of the area;
- The impact upon neighbouring residential amenity; and
- Parking and highway safety.

## 3 **Assessment**

### The principle of the development

3.1 The application site is located within the urban boundary of Dover, a Secondary Regional Centre as identified by the Settlement Hierarchy identified in policy CP1 of the Core Strategy. The principle of development in this location is therefore considered acceptable subject to the consideration of site specific matters.

### The character and appearance of the area

3.2 The application proposes a two-storey building consisting of two distinct elements. At garden level a 6m x 11m summerhouse, also containing a W.C. and store is proposed. This would be 3.2m above the existing ground level and would involve excavation into the bank at the rear of the site to obtain a level threshold. The summerhouse would have a flat roof and would be clad with Cedar boarding.

3.3 Above the summerhouse, a garage is proposed. This would be 8.2m x 7.3m and approximately 3m above the Connaught Road pavement level. The overall height of the garage and summerhouse combined would be 6.2m. The garage would also have a flat roof and would be constructed using yellow stock brickwork. The garage would be open-fronted and would have internal stairs to access the summerhouse below.

3.4 There are a number of other garages in evidence along Connaught Road interspersed with timber fencing along the rear garden boundaries of the Castle Road properties. There are also a number of prominent trees in the rear gardens of these properties which contribute positively to the character and appearance of the street scene.

3.5 In terms of the introduction of an additional garage at the rear of No.57, it is not considered that this would be significantly out of keeping with the character of the area given the presence of similar development in the immediate locality. Whilst the proposal would involve the introduction of a built form in place of the existing timber fence, there would be no demonstrable harm as a result of this.

3.6 It is noted that there is evidence that some trees have been removed from the rear of the site, and the semi-rural character has been eroded as a result, however these were not subject to a Tree Preservation Order and no control over their removal was possible.

- 3.7 Concern has been raised that if the Local Planning Authority were to approve this latest scheme, that such a decision would be inconsistent with a previously refused proposal for the erection of a single-storey one bedroom dwelling below an existing double garage at No.63 Castle Avenue. This refusal was dismissed at appeal.
- 3.8 The Inspector identified harm through the introduction of a significant level of new activity in a location where there is currently very little. The dwelling would have had an entrance at street level and the external stairs would have been readily apparent. A house number would also have been needed and lighting at night. Refuse and cycling arrangements were also needed and periodic on-street parking by visitors and for deliveries would have been likely. He felt that the use as a dwelling would have been readily apparent and out of character, being isolated from the nearest traditional dwelling house.
- 3.9 He also felt that the removal of the entrance doors would be in contrast to the other closed up garages in the road and would be a discordant feature. He also identified the concerns that the open garages could lead to potential problems. In combination it was felt that these reasons would have caused significant harm to the character and appearance of the area.
- 3.10 The garage is now proposed to be open-fronted as a result of the concerns of Kent Highways regarding parking on the highway whilst the doors were opened. It is not considered that in itself this would cause significant harm to the character and appearance of the area and that whilst the garage would be different to those nearby there would not be demonstrable harm. Any issues with potential anti-social behaviour would be restricted to No.57 and would not cause harm to the general amenity of the wider locality.
- 3.11 The issues identified with the provision of a dwelling on the frontage of Connaught Road and the change in character as a result of a previously perceived significant level of activity would not be applicable to this scheme which involves the proposal for a simple incidental structure only which would generate activity related to its use as a parking space, not as excessive as movements and activity associated with an independent dwelling. On balance, whilst material considerations, it is considered that the reasons for the appeal on a nearby site being dismissed are overcome by this proposal and are not so overriding as to warrant refusal.
- 3.12 In terms of the summerhouse, it would cover an area of the garden at the rear of the site. Notwithstanding this, a large area of garden would be retained and it is not considered that it would represent the unacceptable overdevelopment of the plot as a result. There are outbuildings visible at the rear of properties in Castle Avenue, and whilst the summerhouse and garage above would be larger than those elsewhere, it is considered they can be accommodated without unacceptable harm to the character and appearance of the area.
- 3.13 Some glimpsed views of the summerhouse and garage above would be possible from Castle Avenue however it is not considered that the structure would be so prominent that it would be detrimental to the street scene. The scale and form of the summerhouse is domestic and whilst the footprint is large it would retain a degree of separation from the adjoining neighbouring boundaries. The design approach taken is considered to be acceptable and

would add interest to the elevations as a result of the contrast between the garage and the summerhouse.

- 3.14 For the reasons outlined above it is felt that the development would conform with the general design principles as contained within the National Planning Policy Framework and the Kent Design Guide.

#### Neighbouring residential amenity

- 3.15 The building would be approximately 22m away from the rear elevation of No.57 Castle Avenue and a similar distance from the rear of the immediately adjoining neighbours. In addition to this it would be sited to the north of their rear elevations and private garden areas.
- 3.16 As a result of this degree of separation and the orientation, it is not considered that the development would result in any significant loss of natural daylight and sunlight and would not appear unacceptably overbearing and oppressive when viewed from them. Whilst alterations to the outlook from neighbouring properties would occur, this would not equate to demonstrable harm to amenity.
- 3.17 No windows are proposed in the rear elevation of the garage. Whilst doors are proposed to the rear elevation of the summerhouse, the site boundaries are screened by existing hedgerow and fencing and despite the fact it would be on higher ground, any views towards neighbouring properties would be oblique and only partial in any event due to the screening. It is not considered that there would be an unacceptable impact upon amenity as a result.

#### Parking and highway safety

- 3.18 Kent Highways raise no objections to the proposal in respect of highway matters. Adequate visibility is available at the access and the parking arrangements are now considered acceptable. The concerns expressed regarding vehicles reversing on/off Connaught Road are noted however there is adequate visibility for drivers approaching the garages and for drivers exiting the garages. The proposed arrangements are similar to those for existing garages and parking areas in Connaught Road.

#### Other matters

- 3.19 Concern has been raised over drainage measures that would need to be incorporated however this would be a matter that would be dealt with at the Building Regulations stage to ensure surface water is suitably disposed of. Any foul sewer connections required or alternative means of disposal would again need to be agreed during construction.

#### Conclusion

- 3.20 The principle of the development is considered to be acceptable and in accordance with the objectives of the NPPF and policies in the Core Strategy. The scale, form and design of the development and its siting would not harm the overall appearance and character of the area. The impact on the residential amenities of the surrounding occupiers would be acceptable. The Highway Engineer has confirmed that the development would not harm highway safety.

3.21 Consideration has been given to all other matters raised but it is considered that none outweigh the conclusion to grant planning permission.

3.22 In respect of the Public Sector Equality Duty under the Equality Act, the recommendation is not considered to disproportionately affect any particular group.

**g) Recommendation**

I PERMISSION BE GRANTED subject to the following conditions: 1) standard time limit; 2) in accordance with approved plans; 3) no garage doors to be installed.

II Powers be delegated to the Head of Regeneration 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  
Ben Young