

**A04**

**F/TH/18/0544**

PROPOSAL: Erection of 2No. two storey 3-bed semi-detached dwellings

LOCATION: Hoo Corner Farm Monkton Road Minster RAMSGATE Kent

WARD: Thanet Villages

AGENT: Mr David Kinsella

APPLICANT: Mr Watkins

RECOMMENDATION: Approve

Subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**GROUND;**

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered DTK/18/61001B (received 12/08/18) and DTK/18/61002B (received 12/08/18),

**GROUND;**

To secure the proper development of the area.

3 The area shown on the approved plan numbered DTK/18/61002B for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwelling hereby permitted.

**GROUND;**

Development without adequate provision for the parking or turning of vehicles is likely to lead to parking inconvenient to other road users and detrimental to amenity and in pursuance of policy D1 of the Thanet Local Plan.

4 The development hereby approved shall incorporate a bound surface material for the first 5 metres of the access from the edge of the highway.

**GROUND;**

In the interests of highway safety.

5 The first floor windows in the south (rear) elevation of the dwellings hereby approved shall be provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent and shall be installed prior to first occupation of the development hereby permitted and permanently retained thereafter.

**GROUND:**

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with policy D1 of the Thanet Local Plan.

INFORMATIVES

Please be aware that obtaining planning permission and complying with building regulations are separate matters - please contact building control on 01843 577522 for advice on building regulations

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

SITE, LOCATION AND DESCRIPTION

The application site is located on the eastern side of Sheriffs Court Lane, Minster and forms part of land owned by Hoo Corner Farm to the north of the site. The site is enclosed by a wall to the road frontage. To the northwest of the site and directly fronting Sheriffs Court Lane are Nos. 1 and 2 which are two storey cottages and to the south is Orchard House a chalet style property, which has its principle elevation facing south, rather than facing the road.

Sheriffs Court Lane leads to only three other houses including Sheriffs Court beyond Orchard House and then turns into a track going over the railway line and onto Minster Marshes.

RELEVANT PLANNING HISTORY

F/TH/18/0136 Erection of a two storey, 4 - bed detached dwelling with carport. Withdrawn

L/TH/16/0643 Application for Listed Building Consent for partial demolition of boundary wall to Sheriffs Court Lane. Granted 14/07/16

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of the erection of 2no. 3 bed dwellings.

The application site would have vehicular access off Sheriffs Court Lane and would be at the northern end of the site, which would be shared by both dwellings.

The proposed dwellings are positioned set back from the highway, approximately 6.5m with a north south orientation; the principle elevation facing north. The dwellings would share the vehicular access and have a parking and turning area to the front of plot 2. The dwellings would have a private amenity space to the rear and side of their respective dwelling.

In terms of accommodation, the proposed dwellings are a mirror image of one-another. At ground floor there is a kitchen, lounge/dining area and W.C, at first floor there are three bedrooms and a family bathroom. With regard to external appearance of the dwellings, they have a hipped roof over with a front entrance enclosed porch to each property. On the western elevation; facing the Lane, the dwelling incorporates a projecting box window at ground floor as well as a first floor window.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan (2006) Saved Policies**

CC1 - Development in the Countryside (Urban and Rural Confines)

CC2 Landscape Character Areas

D1 - Design

D2 - Landscaping

H1 - Residential development sites

H4 - Windfall Sites

TR12 - Cycling

TR16 - Car parking provision

SR5 - Doorstep and local play space

## NOTIFICATIONS

Neighbouring properties were notified in terms of the initial submission 3 representations were received; concerns raised are as follows:

- \* Properties are too large
- \* Not sympathetic to the rural location
- \* Proposed height of the properties should not be higher than the surrounding
- \* Wish to maintain height of conifer hedge on the boundary with Orchard House
- \* Impact upon neighbour privacy
- \* Highway safety issues
- \* Oppressive and over-bearing

Neighbouring properties were notified and as a result 3 representations have been received in respect of the amended plans. The concerns can be summarised as follows:

- \* Highway safety concerns; narrowness of the Lane, extra traffic, no street lighting or footpaths
- \* Concerns that if trees are planted for privacy they will take years to establish
- \* Trees that were planted on the land to the rear of the objectors property have reduced natural light and caused damp issues
- \* Loss of privacy
- \* Increase in noise
- \* Building is oppressive and overbearing

- \* Out of character with the area
- \* Too close to other properties

**Minster Parish Council** - Further comment - Members OBJECT on the same grounds as the previous drawings: - The proposal is overbearing and is close to existing properties which will be overlooked. The Draft Local Plan Policy QD02 Living Conditions- refers to: all new development should be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure. Full consideration has not been given to the close proximity of neighbouring properties.

Councillors further felt the amendments would cause more overlooking to existing properties and also refer to NPPF 6.29 that the scale and proportion of existing development should be respected. This application is not sympathetic to existing buildings and D1 - design principles - the proposed plans are not compatible with neighbouring buildings and spaces and leads to an unacceptable loss of amenity through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure.

Initial comment - Minster Parish OBJECT on the following grounds: - The proposal is overbearing and is close to existing properties which will be overlooked. The Draft Local Plan Policy QD02 Living Conditions- refers to: all new development should be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure. Full consideration has not been given to the close proximity of neighbouring properties.

## CONSULTATIONS

**TDC Conservation Officer** - *Final comment* - Hoo Corner Farm occupies a substantial garden which contains mature woodland. This landscape feature forms part of the boundary to the grounds of the building and its appearance contributes to the wider character of the setting of the listed building.

With regard to the proposed dwelling, there is a substantial distance between the listed building and proposed building with an intervening space comprising mature woodland. Given the distance of the proposal site from the principal listed building in my view, the proposed dwellings would not cause undue impact upon the setting of the listed building. Overall, I conclude that while paying special regard to the desirability of preserving the setting of the listed building the proposed dwelling would not adversely affect the setting of the listed building.

With regard to the proposed dwelling itself, this should be considered within the advice and aims of the Framework in particular, paragraph 127.

*Initial comment* - I consider that the siting of the proposed dwellings will have no adverse impact on the setting of the Grade II listed Hoo Corner Farm.

However the proposal site is in a rural setting and in my view the design of the proposed dwellings is not in-keeping with the cluster of houses along Sheriffs Court Lane which form part of the immediate setting of the site. The dwellings would be out of character and context of the locality in particular, the grain and form the buildings within the setting as a result would appear out of place in this rural setting.

By incorporating a full length canopy on the ground floor level and setting garages on the sides of the dwelling, these aspects of the scheme would be uncharacteristic to its immediate setting. Moreover, the hipped roof would not add visual interest to the scheme, rather would detract from the street scene.

The Framework requires designs to 'significantly' enhance their immediate setting and be sensitive to the defining characteristics of the local area. It also advises that good design should respond to local character and history, reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. It is also proper to promote or enhance local distinctiveness. I do not consider that in principle the scheme will fulfil these requirements and advice.

**Southern Water** -The applicant is advised to consult the Environment Agency directly regarding the use of a septic tank drainage which disposes of effluent to sub-soil irrigation. The owner of the premises will need to maintain the septic tank to ensure its long term effectiveness.

The proposed development is some distance from the nearest public sewer. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

An informative is recommended in relation to connection to the public sewerage system.

## COMMENTS

The application is referred to the Planning Committee as the proposal represents a departure from the Local Plan and the recommendation is of approval.

## **Principle**

The 'development plan' for Thanet is the 2006 'adopted' Local Plan. Paragraph 213 of the National Planning Policy Framework (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to the relevant policies and degree of consistency with national policy. With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they carry some weight in the determination of planning applications.

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the NPPF are a material consideration in this regard.

The application site lies to the west of the Minster village and the east of Monkton village, but forms a small cluster of dwellings that front Monkton Road and Sheriff's Court Road, Minster. Accordingly the application site lies within an area designated as countryside. Policy CC1, covers this issue; development in the countryside. This policy states that within the countryside new development will not be permitted unless there is a need for the development that overrides the need to protect the countryside.

However it has been determined that the Council does not currently have a 5 year supply of deliverable housing sites as required by paragraph 61 of the NPPF. For residential development, this means that planning applications for housing should be considered in the context of the National Planning Policy Framework's presumption in favour of sustainable development (paragraph 11). This is because local policies (including defined development boundaries) relating to the supply of housing are no longer considered up to date. Paragraph 11 of the NPPF states that where relevant local policies are out-of-date, planning permission should be granted unless; any adverse impacts of doing so would "significantly and demonstrably" outweigh the benefits, when assessed against the policies of the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

In this particular case it is recognised that the site is not directly adjacent the village boundary nor would it represent a classic infill situation, however reference is taken from a recent appeal decision at land adjacent to 151 Monkton Road (Planning reference F/TH/16/0788). In this instance in his consideration of the proposal the Inspector stated;

"The site, currently vacant and overgrown, relates closely to a cluster of residential properties on both sides of the road and is situated next to a pair of semi-detached houses, Nos 151 and 149. There is a scatter of other residential development along the road which runs for about 1km through the countryside between the two villages."

The Inspector also acknowledged that the appeal site "lies well outside the built up village confines of both Monkton and Minster" and he also accepted that the Council could not demonstrate a five year supply of deliverable housing sites and policies relating to the supply of housing should not be considered up-to- date. He therefore concluded that policies CC1 and H1 could only be afforded limited weight and the emerging policy had limited weight due to the early stage of the plan. He considered that the two villages offered a good range of services and facilities and the site would be within 2km of these facilities and not far from the built-up confines of either village and concluded that it was not therefore isolated in its location. Furthermore he considered the site sustainable even though it had no footway and limited street lighting and future occupiers would not be wholly reliant on the private car. He felt that the proposed dwelling would consolidate the existing group of residential properties adjacent to the appeal site. On this basis it is considered that the principle of residential development on this site would be difficult to resist.

Paragraph 11 of the NPPF refers to there being a need for significant and demonstrable harm that would outweigh a planning permission from being granted. In light of the 5 year deliverable housing supply site issue and the site's close physical affinity with adjacent properties which front Sheriffs Court Road and access to services within the villages of Monkton and Minster, it is considered that the proposal could comply with the NPPF's presumption in favour of sustainable development, subject to there being no demonstrable harm from the proposed development.

On the basis of the above I considered that the principle of development on this site is acceptable, given its proximity to the edge of the defined boundary to the villages of Minster and Monkton and it could be considered to consolidate the existing group of residential properties adjacent to the site subject to the consideration of other material planning matters.

### **Character and Appearance**

The site is within designated countryside and furthermore the local plan identifies this as a landscape character area- Wantsum North Shore, accordingly saved policy CC2 is therefore relevant. This policy states:

"...3) In the Wantsum Channel north shore area, development will only be permitted that would not damage the setting of the Wantsum Channel, and long views of Pegwell Bay, the Wantsum Channel, the adjacent marshes and the sea...

Development proposal that conflict with the above principles will only be permitted where it can be demonstrated that they are essential for the economic or social well-being of the area."

In this case the site is an enclosed site; largely by soft landscaping to the southern boundary and a wall to the western boundary with the road. My view is that the application site would also be seen in context with other residential development adjacent. I am therefore of the opinion that the site would not conflict with saved policy CC2 as it would not appear as an incursion into the open countryside.

Paragraph 170 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

There are a variety of dwellings within the vicinity in terms of design and positioning to the road. With no clearly discernible building form or architectural theme the proposed dwelling does not seek to replicate any adjacent buildings. Since the submission of this application and during the previous application the applicant has amended the scheme in order to take into account officer concerns about the siting of new residential development and design in order that the dwelling type reflected its countryside location rather than having a suburban appearance. It is considered that the resulting dwellings have been designed to more reflect rural qualities, for example in terms of the use of timber boarding which is evident in all elevations at first floor level and render at ground floor. The use of these materials would

also in my opinion given some visual continuity between the cottages that front Sheriffs Court Lane.

The proposed dwellings have the principle elevation facing to the north rather than directly fronting Sheriffs Court Road. Having the principle elevation not facing Sheriffs Court Lane is not unusual; indeed Orchard House to the South does not have its principle elevation fronting the road.

It is considered that the scale, layout, height and massing and overall elevation design would harmonise with the character and appearance of the surrounding area and I am satisfied that the proposal is compliant with saved policies CC2 and D1 of the Local Plan.

The proposal is not considered to detrimentally impact upon the setting of the listed building due to the substantial distance from the proposal to the designated heritage asset.

### **Living Conditions**

Paragraph 117 of the NPPF states that planning decisions should remote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

The proposed dwelling would be two storeys high and therefore has the potential to impact upon the amenities of those residents living nearby. To the northwest no. 2 Sheriffs Court Lane has two first floor windows within its southern elevation, to the south of the dwelling, but within its curtilage is an area where the residents park a vehicles and outbuildings. This area is used in conjunction with the dwelling together with a small private area to the rear of the property, these two areas are connected by a pathway approximately 1m in width. Due to the alignment of the dwellings to one another I do not considered that there would be a significant impact upon light received to these window openings. In terms of outlook no.2 has a side garden area, although it appears to be used for parking at present, the development would be visible from this area. However, the distance and angle of the new property would reduce any impact in this regard to not appear unduly imposing or resulting in a sense of enclosure being created.

In terms of overlooking, plot 1 has two first floor bedroom windows which have the potential to have views across this side garden area. There is a distance of separation between built forms of approximately 16m and a distance of 8m from the proposed dwelling to the boundary with no. 2. I consider the distance between built forms is adequate not to result in substantial overlooking, and this is assisted by the alignment of the dwellings to one another. Whilst I acknowledge that the first floor windows would be able to see into this side garden area, I place weight on the fact that it is used for the parking of a vehicle and visible from the public realm and on balance I consider that this relationship is acceptable.

With regard to Orchard House to the south, this has a much closer physical relationship with the dwellings, however in terms of windows within the rear at first floor level the windows will serve non-habitable rooms. I am therefore satisfied that no overlooking will occur on the basis that these windows are conditioned as obscure glazed and non-opening below 1.7m in height above finished floor level. With regard to loss of light or outlook, as the proposed

properties are to the north I do not consider the impact upon loss of light to be detrimental. Whilst the outlook from the rear elevation of Orchard House will alter I do not believe that this would be detrimental to the occupiers therein given the 12-15 metre distance from the north facing windows.

In terms of saved policy SR5 there is sufficient garden associated with the dwellings to allow for play, clothes drying and refuse and cycle storage.

### **Transportation**

The proposed properties are located off a lane that would not lend itself to the parking of vehicles on street. In terms of Kent County Council guidance for three bedroom properties, there should be two independently accessible spaces per unit. The submitted block plan indicates two spaces to the western side of plot 2. It would not be possible to locate two off street parking spaces for plot 1 in a similar position, due to the position of the current opening within the wall. It is however considered that two spaces could be achieved above the area annotated for the septic tank. On the basis that these areas for parking and manoeuvring are maintained, it is considered that the proposal is acceptable in highway terms.

### **Other Matters**

There is no requirement for a phase one Habitat Survey for protected species. This is because the site does not meet the standing advice for assessment as the application is maintained garden land.

### **Conclusion**

The NPPF states that in the absence of a 5 year housing land supply, that permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is considered that this is an acceptable extension to the village. The proposal does not raise any issues relating to neighbour amenity or highway safety. There are no other outstanding issues.

In light of the above, and in weighing up the advantages of the development against the disadvantages it is considered that the proposal complies with the provisions of the NPPF; therefore it is recommended that planning permission be approved.

### **Case Officer**

Gill Richardson

TITLE:

F/TH/18/0544

Project

Hoo Corner Farm Monkton Road Minster RAMSGATE Kent

