

OFFICERS REPORT

Application No: Y19/0061/FH
Location: The Sanctuary The Street Lympne Hythe Kent CT21 4LQ
Proposal Erection of a shed.

ASSESSMENT

Performance data:-

Date application valid: 26.02.2019

Applicable 8/13/16 week target date: 23.04.2019

Planning Performance Agreement (PPA) or Planning Extension Agreement (PEA) No

If Yes, revised 8/13/16 week target date:

Is the application being determined after 26 weeks without a PPA or a PEA No

SITE VISIT

Carried out site visit on 18.03.2019

The site and proposals were assessed from the public highway and key features are noted in the assessment.

SITE

The Sanctuary is a late 18th Century dwelling with a west range added in the early 19th Century. The main garden is to the east of the house, surrounded by a Ragstone rubble wall, the north side of which runs alongside the street on a bank, but is currently obscured by vegetation. The property is Grade II listed and is adjacent to the Grade I Listed Lympne Castle.

The site is outside of the defined settlement boundary and is within the Kent Downs Area of Outstanding Natural Beauty (AONB), the Lympne Conservation Area and within an Area of Archaeological Potential.

During the site visit it was noted that works were on-going to the dwelling and the grounds. The new gates (granted under Y17/1511/FH) have been installed and were open and the garden area was visible from outside the site at the time of the visit.

RELEVANT HISTORY

Y07/0440/SH - Change of use and conversion of existing dwelling to provide two self-contained units of accommodation together with erection of a two storey extension to west elevation and first floor extension to north elevation - Refused

Y17/0875/FH - Listed Building Consent to form an opening in garden boundary wall and insertion of a pair of gates - approved with conditions

Y17/1511/SH - Formation of opening in garden boundary wall and insertion of a pair of gates - approved with conditions

PROPOSAL

This application seeks planning permission for the erection of a shed in the grounds of the Grade II Listed Building.

The proposed shed would measure approximately 6.1m x 5.3m and be 3.7m in height with a ridge height of 2.1m.

The shed would be sited against the east boundary wall and finished in brown stained shiplap cladding with green/grey powder coated corrugated steel sheeting roof with a timber window to one side elevation and timber double doors to the front elevation.

CONSULTATION RESPONSES

Consultation responses are available in full on the planning file. The main points raised are summarised below.

Lympne Parish Council raised no objections to the proposal

KCC Archaeology have not commented on the proposal

Arboricultural Manager raised no objections as the shed would be set well forward of the large mature trees adjoining the site.

The Heritage consultant objected to the application on the grounds that the design and materials of the building are not appropriate and it would dominate the setting the Listed Building and be detrimental to the character of the conservation area.

REPRESENTATIONS

None received

PUBLICITY

Neighbours notified by letter. Expiry date 20.03.2019

Site notice displayed. Expiry date 08.04.2019

Advertised in press. Expiry date 04.04.2019

RELEVANT POLICIES

Local Plan Review Saved Policies: SD1, BE1, BE4, BE5, BE8

Core Strategy Local Plan: DSD, CSD4

Places and Policies Local Plan Submission Draft: HB8, HE1, HE2

The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there has not been significant objection.

Core Strategy Review Submission Draft 2019:

The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.

NPPF: 12, 189, 190, 192, 193, 194, 196

NPPG:

APPRAISAL

Policy

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving and enhancing the character or appearance of conservation areas.

Saved policy SD1 of the SDLPR - amongst other matters seeks to maintain and improve the character and vitality of the built environment with policy BE1 requiring a high standard of layout and design and requires development to accord with existing development in the locality, where the site and surrounding development are physically and visually interrelated in respect of building form, mass, height and elevational details.

Saved local plan policy BE5 of the SDLPR seeks to preserve listed buildings and their settings. Point e) says that the district planning authority will refuse applications for development which would adversely affect the setting or character of a listed building. Point f) of BE5 says that the district planning authority will refuse applications for extensions or alterations which would dominate the original building in either scale, material or situation.

Saved local plan policy BE4 refers specifically to conservation areas and says that the district planning authority will require the height, scale, form and materials of new development, including alterations or extensions to existing buildings, to respect the character of conservation areas.

Emerging policy HB8 says that alterations and extensions to existing buildings should reflect the scale, proportions, materials, roof line and detailing of the original building and not have a detrimental impact on the street scene, either by themselves or cumulatively.

Emerging policy HE1 refers to heritage assets and supports proposals that provide, where possible, a viable use that assists in social and economic regeneration and ensures the long term protection, conservation and, where appropriate, the enhancement of heritage assets in line with Government legislation.

Design and visual appearance

Whilst this outbuilding has been described by the applicant as a shed, it is large in scale, mass and bulk and would be constructed of unsympathetic materials. Whilst there is some screening around the site, trees and hedges are not permanent features and the height of the shed is of

such that it would be likely be visible above the existing boundary fence to the north and therefore visible from the wider setting of the conservation area. The fact that the shed would not be overtly open to public view does not mitigate the harm that would be caused. It is considered that the shed, by virtue of its scale, massing and finished materials would fail to preserve and enhance the character or appearance of the conservation area, contrary to saved local plan policy BE4 and the aims of Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

It is accepted that the natural beauty of the AONB/SLA would not be unduly impacted given the fact that the proposal is for a domestic shed in the grounds of an established dwelling and the immediate area is already urbanised to some extent.

In this instance the scale, mass, bulk and choice of materials of the proposed shed would result in development that would detract from the special historic interest of the listed building and would therefore adversely affect the setting and character of the listed building. Further, the shed would be sited approximately 11.5m from the main listed building and given its proposed size in what is considered a small amenity area, the shed would dominate the host building in scale, material and situation, contrary to the aims of saved local plan policy BE5.

Given the scale of the proposal it is accepted that there would be less than substantial harm to the significance of the heritage assets (the Listed Building and conservation area) and therefore paragraph 196 of the NPPF applies. In this instance the harm must be weighed against the public benefit of the proposal including, where appropriate, securing its optimum viable use.

Whilst it is accepted that the shed would be beneficial for the applicant, the optimum viable use of the host building as a dwelling is not dependant on this proposal and the shed would be for private domestic use only. There would be no public benefit to the scheme that could outweigh the harm caused to the setting of the listed building or to the character of the conservation area.

Amenities of neighbouring occupiers

Having visited the site it is noted that the proposed shed would not impact upon any nearby neighbours in terms of overshadowing or overbearing.

Environmental Impact Assessment

In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

Other issues raised

Archaeology

KCC Archaeology were consulted and they have stated that no archaeological measures are required and it is therefore considered that there are no archaeological concerns with regards to this proposal.

Conclusion

For the reasons set out above it is considered that the proposal is unacceptable and fails to meet the aims of local or national planning policy.

It may be possible for the applicant to erect a shed in this location but the shed would need to be smaller, of more sympathetic design and finished in more appropriate materials. In this location the LPA would suggest a shed finished in black stained featheredge boarding with a

Kent peg tile, set on a steeper pitched roof.

HUMAN RIGHTS

I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the Recommendation represents an appropriate balance between the interests and rights of the applicant (to enjoy his 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)] and the wider public interest.

PUBLIC SECTOR EQUALITY DUTY

In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

RECOMMENDATION

In light of the above, it is considered that planning permission should be refused

Case Officer:

Report and draft decision notice completed and passed to senior officer.

Name: Katy Claw Position: Planning Officer Date: 01.05.2019

Report and draft decision notice agreed and passed to admin to issue decision.

Name: Robert Allan Position: DM Team Leader Date: 03/05/19