

OFFICERS REPORT

Application No: Y18/1351/FH

Location: 2 - 6 Mill Road Dymchurch Kent TN29 0NY

Proposal Erection of single storey rear extension and relocation of access to front elevation to serve residential flat, together with other external alterations.

ASSESSMENT

Performance data:-

Date application valid: 28/01/2019

Applicable 8/13/16 week target date: 25/03/2019

Planning Performance Agreement (PPA) or Planning Extension Agreement (PEA) ? N

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

Is the application being determined after 26 weeks without a PPA or a PEA? N

SITE VISIT

A visit to the application site was carried and the key features noted have been set out within the report.

SITE

The application relates to a building situated on the northern side of Mill Road, immediately alongside the roundabout junction with Dymchurch Road (A259). The property lies within the Dymchurch Conservation Area and an area of archaeological potential. The site is also located within Flood Zones 2 and 3 as identified by the Environment Agency.

The property, nos. 2-8 Mill Road has the form of four terraced dwellings with slate hipped roofs. No. 8, to the western end of the building, is of residential character at ground and first floor. Nos. 2-6 are of commercial character at ground floor with a shopfront and signage for the restaurant use of the ground floor. No. 8 is of white painted render finish at ground and first floor level. Nos. 2-6 are of white painted render finish at ground floor with UPVC framed windows and a timber framed glazed entrance door, with weatherboard cladding and UPVC framed casement windows at first floor level.

To the rear of the building no.8 projects back further than nos. 2-6. No. 8 has a gable end roof to the rear. Nos. 2-6 also have gables, at first floor to the rear nos. 2-6 are weatherboard clad with UPVC casement windows. At ground floor level there is a single storey flat roofed extension in situ which is of red brick finish.

To the western side of the site alongside no. 8, there is a hard surfaced parking area. To the rear of the site behind the building there is a lawned garden area with planting alongside the rear boundary. The boundary treatment to the eastern side and rear of the site is a concrete panel wall. A low fence is in situ on the western side of the garden area.

Internally, at present the ground floor in its entirety is in restaurant use (Use Class A3). The ground floor of no. 8 comprises the restaurant kitchen, two store rooms and a stairway access

up to first floor. Nos. 2-6 at ground floor provide customer floorspace, a service area and washup area, and W.C. facilities in a rear wing which are accessed through the garden area. There is also a stairway access up to first floor level.

At first floor level the residential accommodation at no. 8 comprises a lounge, bedroom, bathroom and landing. At nos. 2-6 the accommodation comprises a lounge, kitchen, landing, bathroom, utility room and three bedrooms.

RELEVANT HISTORY

Y18/1350/FH (8 Mill Road): Change of use from restaurant (Class A3) to form a holiday let (Class C3) unit including associated parking. Under Consideration.

90/0210/SH: Change of use to doctor's surgery together with the erection of a single storey extension and the provision of car park. Approved.

SH/79/138: Change of use of 2 Mill Road from dwelling to shop, conversion of living accommodation to store rooms and installation of shop fronts at nos. 4 & 6, and improvements to external appearance (including LBC) at 2, 4, 6 & 8. Approved.

PROPOSAL

A concurrent application has been submitted which seeks to separate no. 8 Mill Road (ground and first floor) from the restaurant use, and change its use to a standalone holiday let use.

The current application seeks consent for alterations to the restaurant unit to enable these alterations, which would remain.

It is proposed that the entrance to the first floor residential accommodation at nos. 2-6 be relocated to the front of the property. A timber boarded door with a glazed opening is proposed. Shopfront alterations are also proposed; the existing multipaned window designs would be replaced with single pane designs. New entrance doors are proposed; glazed double doors with windows to either side. All of the windows and doors are proposed as white UPVC framed units.

To the rear of the property an enlarged single storey flat roofed rear extension is proposed, with the flat roof extending back to the rear boundary of the site to cover a yard area where refrigerator units are proposed. This would leave a garden area for the restaurant, and a second garden area which it is proposed be allocated to no. 8 under the concurrent application.

The extension proposed is brick faced with a fibreglass flat roof and projecting rooflights. Glazed doors are proposed to the rear of the customer area which would provide access to the garden area. The proposed door frame material is not confirmed, as the application form mentions both UPVC and timber for proposed door materials.

At ground floor level a revised restaurant layout would provide a kitchen in the rear extension, one unisex W.C., and a customer area.

At first floor level the submitted drawings show the residential accommodation above nos. 2-6 reconfigured to form a living room which the new stairway would lead up into, two bedrooms, a kitchen, a shower room / W.C. and a utility room.

To the area alongside the building to the west, it is proposed that a garden area be formed to serve no. 8, with three parking spaces delineated, one for the residential accommodation above nos. 2-6, and two spaces for no. 8.

CONSULTATION RESPONSES

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

Dymchurch Parish Council

No objection.

Environmental Health

No objection.

REPRESENTATIONS

No comments received.

PUBLICITY

Neighbours notified by letter. Expiry date 18/03/2019

Site notice displayed. Expiry date 20/03/2019

Advertised in press. Expiry date 28/03/2019

RELEVANT POLICIES

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

Core Strategy Local Plan: DSD, SS1, SS3

Places and Policies Local Plan Submission Draft: HB8, HE1

The Submission draft of the Places and Policies Local Plan (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: SS1, SS3

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
NPPG

APPRAISAL

Design and visual appearance

Saved policy BE8 and emerging policy HB8 state that alterations to existing buildings should reflect the scale, proportions, materials, roof line, and detailing of the original building and should not adversely affect the amenity enjoyed by occupiers of neighbouring properties or have a detrimental impact on the street scene.

Saved Policy BE4 states, amongst other provisions, that the Planning Authority will:

- c. require the height, scale, form and materials of new development, including alterations or extensions to existing buildings, to respect the character of Conservation Areas;
- d. seek to retain materials, features and details of unlisted buildings or structures which preserve or enhance the character or appearance of Conservation Areas;

To the front of the property it is proposed that a new entrance door to the first floor accommodation be inserted alongside a revised shopfront with single pane windows and glazed doors. The proposed shopfront windows and doors are UPVC framed, it appears that the proposed residential door is timber. As a traditional building in a conservation area, UPVC framed windows and doors would usually be resisted as they are not a traditional material. In this case however the existing residential and shopfront windows of the building are all UPVC framed, and the shopfronts in the conservation area comprise a variety of frame materials, many of which are modern rather than traditional timber. In this context the proposal for UPVC frames would not cause harm and is considered to be acceptable.

To the rear of the property the proposed rear extension is quite large and the proposed covered service yard with the flat roof of the extension projecting over it would result in the appearance of one large addition extending back to the rear boundary of the site. As a commercial property it is expected that rear additions may have a utilitarian appearance, and in this case there is an existing flat roofed rear addition of an unusual footprint which the proposed extension would replace and rationalise. Overall it is considered that the proposed extension would not cause greater harm than the existing addition in situ. The proposed glazed doors to the restaurant space would not cause harm to the appearance of the building.

It is considered that samples of materials and full details of all proposed window and door designs, materials and finishes should be submitted for approval via an appropriately worded planning condition.

Heritage

Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) states that Local Planning Authorities, when exercising Planning functions 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.

Paragraph 189 of the NPPF states that:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

Paragraph 190 of the Framework requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 196 states that:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The application is accompanied by a brief Heritage Statement which acknowledges the building's contribution to conservation area fronting directly on to a prominent junction. The Council has not yet drafted a character appraisal for the Dymchurch Conservation Area.

As detailed above, whilst the building is of traditional character, all of the windows and doors to the front of the building are UPVC framed. It is also the case that many of the shopfronts in the conservation area are of modern materials and design. In this context it is considered that the proposed alterations would not cause harm to the character of the conservation area.

To the rear of the building the proposed extension and covered yard would project further back into the rear curtilage of the property and would take the property layout further away from the original layout. An extension of this footprint would not in general be appropriate in relation to a residential dwelling in a conservation area setting. As a commercial property however, it is accepted that extensions will be more utilitarian in form. The extension would not be visible in the street scene, and would replace a structure of a similar character albeit with a smaller footprint. Overall it is considered that the proposed rear extension and alterations would not cause harm to the character of the conservation area.

Regarding archaeology, KCC Archaeology has not provided a comment on the application. In the absence of their input, it is considered that due to the proximity of the proposed extension relative to the existing footprint of the house, it is considered that the proposal could proceed without any further measure to safeguard remains of archaeological potential.

Amenities of neighbouring occupiers

Policy BE8 states that extensions and alterations should not adversely affect the amenity enjoyed by the occupiers of neighbouring properties. Policy HB8 states that alterations and extensions should protect the residential amenity of the occupants of neighbouring properties and ensure avoidance of unacceptable overlooking and inter-looking.

The NPPF at Paragraph 127 states that authorities should always seek to secure a high standard of amenity for all existing and future residents.

The proposed works to the front of the property would not cause harm to neighbouring amenity. The proposed rear extension is larger than the existing addition, but is set away from the neighbouring property to the east by a vehicular access and the bulk of the addition would not cause harm. The proposed reconfiguration of the first floor accommodation does not raise amenity concerns. The proposed rear addition would be visible from the windows of the first floor accommodation but this would not represent significant harm.

The restaurant use and use of the rear garden area and covered store would generate some noise and disturbance for residents of the first floor accommodation. This is however an established relationship and would not be significantly worsened by the proposed development.

Overall it is considered that significant harm to amenity would not be caused.

Parking and highways

The proposed restaurant layout would provide approximately 50m² of space for customers, this is very similar to the existing arrangement and therefore it is considered unlikely that a significant increase in trip generation would result.

In regard to parking, the application submission states that no parking for customers is available at present and that would not change. One space is to be allocated to the residential accommodation at nos. 2-6 which is considered to represent an appropriate provision. Parking associated with the proposed change of use of no. 8 will be considered under the concurrent application submitted.

Flood Risk

As identified above, the site is located within a flood zone. However, the extension is classed as 'minor' and the standing advice should be followed. The ground floor footprint would increase with the erection of the rear extension. Notwithstanding this, it is noted that the uses at ground floor would remain unchanged and are of lower vulnerability to flood risk according to the EA's flood risk categorisations and the size would remain within the minor threshold. As a result, subject to a condition ensuring the new floor levels within the proposed development are set at no lower than existing, it is considered that the net flood risk resulting from the proposal can be considered to be neutral and acceptable with regard to risk to life and property.

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.

Local finance considerations

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. In this case the proposed extensions are below the 100m² threshold above which development becomes liable for the levy.

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 the proposal is a sustainable development that complies with development plan policy and the NPPF and is therefore recommended for approval subject to conditions.

Case Officer: Alex Kalorkoti

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

Name: Alex Kalorkoti Position: Senior Planning Officer Date: 01.05.19

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

Name: C Dethier Position: DM Team Leader Date: 17th June 2019