

Officer Report

Application No.	20/0386/FH
Site Address	THE LAWNS, NASH HILL, LYMINGE, FOLKESTONE, CT18 8ED
Officer Name	Robert Allan
Proposal	Removal of existing garage and replacement with open carport and store/plantroom

Recommendation

Report Number	RD-421548
Recommended Decision	Recommended to be Approve with Conditions
Recommendation Date	11 May 2020

Report

Performance data:-

Date application valid: 16.03.2020

Applicable 8/13/16 week target date: 11.05.2020

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

The site and proposals were assessed from utilising previous site visit information, and the submitted plans and the key features noted as set out in the report:

SITE

The application site is located outside of the defined settlement boundary, on Nash Hill which is characterised by detached dwellings set within large plots of land and fields within the surrounding area. The application property is a two storey detached dwelling set back from Nash Hill with a steep driveway and large front garden. There is an existing detached garage located to the side (north) of the property which is constructed using corrugated sheeting.

The site is located within the Kent Downs AONB, the North Downs Special Landscape Area and an area identified as land with archaeological potential.

RELEVANT HISTORY

Y19/0063/FH - Erection of a detached garage, plantroom and store building to replace the existing garage. Approved with conditions.

PROPOSAL

This application seeks planning permission for the erection of a detached garage with a store/plantroom, store and two-bay garage / carport to replace the existing garage in the same location. The garage is proposed to be approximately 11.9 metres in width and 8.43 metres deep at the deepest point, 5.53 at the narrowest – this difference being due to the proposed L-shaped planform, with the garaging element in the narrower portion of the building. The height is proposed to be approximately 3.95 metres. It is proposed to utilise slate for the roof, weatherboard for the walls and also have solar pv cells on the roof. There would be two roof lights (one in each roof slope) serving the store / plant room.

A previous scheme for a garage 10 metres in width, 6.8 metres in length and approximately 5.7 metres in height, with a set of double garage doors to the front elevation, x2 dormer windows on the front roof slope and a rooflight to the front and x2 rooflights to the rear roof slope, with a first floor store space, was approved with conditions.

CONSULTATION RESPONSES

Lyminge Parish Council - no comments received

KCC Archaeology – no comments received

Natural England – no comments

REPRESENTATIONS

No representations have been received.

PUBLICITY

Neighbours notified by letter - Expiry 07.05.2020

RELEVANT POLICIES

Shepway District Local Plan Review saved policies: SD1 BE1 BE8 CO1 CO21

Places and Policies Local Plan Submission Draft: HB1, HB8, NE3

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.

Shepway Core Strategy Local Plan: DSD CSD4

Core Strategy Review Submission Draft 2019: SS1, SS3, SS5, CSD4 and CSD5

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: Paragraph 11, section 12
NPPG

APPRAISAL

The main issues to be considered are design and visual impact, the impact on amenities of the neighbouring properties and the impact upon the Special Landscape Area and the Kent Downs AONB.

Design and visual impact

Saved Policy SD1 of the Shepway District Local Plan Review requires new development to maintain and improve the character of the built environment and expects a high standard of layout, design and choice of materials for all new development and emerging planning policy HB1 requires proposals to make a positive contribution to its location and surroundings, particularly with regard to layout, scale and materiality.

The proposed garage would replace the existing garage structure and is felt to be of a typical domestic garage design. While this does not reflect the roofline of the host property, having a much slacker pitch, neither does the existing garage, and as such it is not considered that this replacement would serve as a particularly harmful addition to the site. Indeed the slacker roof slope serves to enhance the subservient nature of the building. As such, the design of the garage is considered to be acceptable.

While it is acknowledged that this is a relatively large garage, larger in some dimensions than that previously approved, it would replace the existing garage and is located within a large plot of land which is considered capable of accommodating this structure. Due to this, the proposal is not felt to compete with the host property and would therefore be acceptable in terms of its size and mass in this instance.

With regards to the potential impact upon the street scene, the garage would be located at the end of the sloped driveway, behind mature foliage and as such is not considered likely to be readily visible from Nash Hill.

The proposed materials are considered compatible with the rural character of the area and the host property and as are considered acceptable.

Policy CO1 seeks to protect the countryside for its own sake. Policy CSD4 and emerging policy NE3 require planning decisions to have a close regard to the need for conservation and enhancement of natural beauty in the AONB and its setting, which will take priority over other planning considerations and Policy CO4 requires proposals to protect or enhance the natural beauty of the Special Landscape Area. For the reasons as set out above, the proposed garage is not felt would appear overly dominant on the site and would be of a typical domestic garage design. Moreover, the proposals would not be readily visible from within the street scene and as such is not considered would have a significantly adverse effect on the AONB and its setting nor on the Special Landscape Area and is considered acceptable in this instance.

Amenities of neighbouring occupants

Policy SD1 requires proposals to safeguard and enhance the amenity of residents. The garage would be located adjacent to the boundary shared with Karibu. However Karibu is set back from this boundary on a large plot and as such it is not felt the garage would be significantly overbearing to the neighbouring occupants in this location, with no overshadowing of consequence / detriment.

With regard to potential overlooking, rooflights are proposed to be installed but these do not serve a first floor area so would be for the purposes of natural light only. There are no other windows in the structure. Overall, there are considered to be no likely overlooking // loss of privacy issues.

Other issues

Archaeology

KCC's Archaeology department were consulted as part of this application and raised no comment. On the previous scheme, no concerns were raised. As a result it is not considered that any archaeological measures are required in this instance.

Parking and highways

While the proposed development would result in the creation of a garage, KCC no longer recognise garages as parking spaces. Moreover, while the restrictions on the access bridge to Nash Hill are noted, it is not considered that this impacts upon this planning application. Therefore it is not considered the proposal would impact upon parking or highways.

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. This application is exempt as it falls beneath the threshold.

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:

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

Name: R. Allan Position: Principal Planning Officer Date: 11.05.2020

Report and draft decision notice amended (if appropriate)

Name: Position: Date:

Senior Officer

Report not agreed. Details of further work required as follows:

Name: Position: Date:

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

Name: Position: Date:

Recommended Conditions (3)

1

The development must be begun within three years of the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

2

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 18.38 40 Rev P1, 18.38 30 Rev P1, 18.38 25 Rev P1 and 18.38 03 Rev P1 .

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the development.

3

The development hereby approved shall be carried out in complete accordance with the details of materials as specified on the application form and drawing no. 18.38 40 Rev P1, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure the appropriate appearance of the completed development and in the interests of visual amenity.