

## OFFICERS REPORT

**Application No:** Y18/0819/FH  
**Location:** 15 Hillcrest Road Hythe Kent CT21 5EU  
**Proposal** Replacement and extension of garden decking and erection of summerhouse.

### ASSESSMENT

Performance data:-

Date application valid: 27.06.2018

Applicable 8/13/16 week target date: 22.08.2018

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 02.07.2018

The site and proposals were assessed from the public highway and from the public footpath to the west of the site. Key features are noted in the assessment.

### SITE

The application site is located within the settlement boundary of Hythe, within an area of Archaeological Potential and Area of Special Character.

The property is a two storey detached dwelling with

### HISTORY

94/0448/SH - Erection of a detached double garage

Approved with conditions

98/0133/SH - Erection of a detached double garage/store.

Approved with conditions

98/0761/SH - Retention of a 1.80 metre high fence to the front boundary.

Approved with conditions

Y10/0782/SH - Erection of a single storey extension to the south west elevation of existing detached barn.

Approved with conditions

Y10/1004/SH - Erection of single storey extensions to front and rear elevations.

Approved with conditions

Y10/1149/SH - Certificate of lawfulness for erection of single storey side extension following demolition of existing conservatory, enlargement of existing dormers together with provision of additional dormer to rear slope and formation of vehicular access.

Approved

Y12/0960/SH - Erection of a shed to front garden.

Approved with conditions

## PROPOSAL

This application seeks planning permission for the replacement and extension of the existing decking at the rear of the garden. The application also includes the erection of a circular summerhouse.

The proposed decking would cover an area of approximately 46 square metres and would include three sets of steps. One leading off the decking to the north, towards the house, one leading off the decking, west, towards other areas of the garden and one within the decking itself to allow for the differing land levels.

Taking account of the land levels, the decking would measure approximately 1.3m in height from the ground to the floor of the decking at its highest point, with an additional 1.1m of balustrade, forming a structure of no more than approximately 2.4m in height from the ground levels.

The decking would be constructed of a composite material with galvanised steel supports and stainless steel balustrade.

The summerhouse would be timber with a timber shingle roof.

## CONSULTATION RESPONSES

Hythe Town Council offered no objections.

No reply received from KCC Archaeology.

## REPRESENTATIONS

None received

## PUBLICITY

Neighbours notified by letter. Expiry date 18.07.2018

Site notice displayed. Expiry date 25.07.2018

## RELEVANT POLICIES

Shepway District Local Plan Review (SDLPR): SD1, BE1, BE8, BE12, LR8

Shepway Core Strategy Local Plan: DSD

NPPF: Paragraph 12

NPP

## APPRAISAL

Design and visual appearance

The proposed decking would not be visible from the public highway of Hillcrest Road, to the north. It is noted that it would however be visible from the public footpath that runs to the west and south of the site.

The decking would replace an existing structure. Having visited the site and walked the footpath it is accepted that glimpses of the existing decking area are possible through the existing foliage. Whilst the existing (and proposed) decking is higher than the existing footpath, the structure is not so significantly visually detrimental and the proposed structure would be no closer to the path than the existing.

Saved local plan policy BE12 refers to the Areas of Special Character and says that development will not be granted if the development will harm the existing character of that area, by reason of either a loss of existing vegetation, especially in relation to important skylines; or a greater visual impact of buildings.

Overall it is considered that visual impact would not cause significant harm to the immediate area to warrant a reason for refusal given the existing situation. The boundary trees and hedges are to be retained.

During the visit the path was fairly overgrown and no one was using the path. Whilst it is likely used, it does not appear to be a highly trafficked path.

With regards to materials, the use of a composite material for the decking isn't ideal, however given that the area isn't readily visible from the general area, it would be considered acceptable in this instance.

#### Amenities of neighbouring occupiers

It is noted that the proposed decking would now sit upon the boundary with 15a Hillcrest Road. The site is currently screened by trees/hedge that sit along the boundary. This natural screen appears to be on the neighbouring boundary and it is not possible to ensure its retention as part of a planning permission.

The application includes a section of 'hit & miss' fence panels to the southern section of the decking upon the neighbouring boundary. These fence panels would sit upon the decking area and would be 2m in height from the floor of the decking. At present, with the conifer screen in place, these panels would not be readily visible to the neighbour.

The topography of the garden is such that the decking is lower than the upper part of the grassed garden and despite being closer to the boundary, overlooking to wider sections of the neighbouring garden would not be considered to be significantly worse than the current situation.

The decking would not encroach upon other neighbouring boundaries and any perceived overlooking would not be significantly worse than the current situation.

#### Other issues

The application site is within an area of archaeological potential. KCC Archaeology has not commented within the required deadline and I am therefore satisfied that their lack of reply indicates no interest in the proposal.

#### 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.

#### 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.

Case Officer:

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

Name: Katy Claw Position: Planning Officer Date: 23.08.2018

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: N/A Position: Date: