

OFFICERS REPORT

Application No: Y16/0918/SH

Location: Cliffview Dungeness Road Dungeness Romney Marsh Kent TN29 9NH

Proposal Erection of a replacement dwelling, and a shed.

ASSESSMENT

Performance data:-

Date application valid: 16.09.16

Applicable 8 week target date: 11.11.16

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

If Yes, revised 8 week target date: 17.02.17

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

SITE VISIT

The site visit was carried out on 27th September 2016. The site and proposals were assessed from the public domain to the front and rear of the property.

SITE

The application site is located just outside the established settlement envelope. The site is within an area subject to an Article 4 Direction, and is within a conservation area. The southern third of the site is SSSI and the land to the west of the site is SSSI designated (however the footprint of the existing building is not within the SSSI). The EA maps identify the site as being within Flood Zones 2 & 3, but the SFRA shows the site not to be at risk from flooding in 2115.

The site is on a track which runs parallel to the southern end of the linear development along Coast Drive, where it merges into Battery Point. The track (which runs to the rear of the dwellings fronting Battery Point) serves 4 dwellings, including the application building. The site is on the northern edge of the Dungeness Estate.

The application building is a small traditional fisherman's cottage in the Dungeness vernacular, with a net loft accessed by an external stair, and a small lean-to side extension. It is a pre-fabricated construction made up from asbestos panels, asbestos slate roof, and uPVC windows. It has un-demarcated shingle around it with no formal garden. The remains of a greenhouse are situated close to the house. The dwelling is currently unoccupied, and would need a fair amount of work to make it habitable, it appears however to be structurally sound. The building is not listed.

HISTORY

The planning history shows:

Erection of replacement porches and installation of replacement windows was approved with conditions under Y11/0985/SH.

PROPOSAL

The application seeks planning permission for the erection of a replacement dwelling. The replacement building would be in the same simple minimalist form with a footprint of approximately 70sqm (as opposed to the existing footprint of approximately 63sqm), and a similar ridge height. The building would have timber cladding and would have a narrow profile corrugated metal roof, and timber windows.

The proposal would provide a living room/kitchen, a bathroom, 2 bedrooms, and an entrance hall. The proposal would include a small shed to the front of the property.

LOCAL FINANCE CONSIDERATION

In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a CIL scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £0 per square metre for new dwellings. Therefore there is no CIL charge in this instance.

CONSULTATION RESPONSES

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

Lydd Town Council has not commented on the proposal.
Kent Highways and Transportation has declined to comment.
Natural England has no objection to the proposal.
Environment Agency has no objection to the proposal.
Heritage Consultant has provided comments on the proposal.

REPRESENTATIONS

2 representations have been received in response to the publicity for the application, supporting the proposal.

PUBLICITY

Neighbours notified by letter. Expiry date 12th October 2016
Site notice displayed. Expiry date 19th October 2016
Advertised in press. Expiry date 27th October 2016

RELEVANT POLICIES

Shepway District Local Plan Review saved policies: SD1, BE1, BE4, CO1, CO14, CO20

Shepway Core Strategy Local Plan: DSD, CSD3, CSD4

NPPF Paragraph: 118, 138

APPRAISAL

The main considerations in determining this application are the principle of a replacement dwelling as set out in saved policy CO20, the impact on the conservation area and the Dungeness heritage area generally, the impact on the SSSI and the shingle habitat, the impact on neighbour amenity, assessment of flood risk and the impact on highways.

The principle of a replacement dwelling set out in the criteria of saved policy CO20 is considered to have been met. The existing house is in a lawful residential use, and the proposed replacement would be in keeping with the locality and would not damage the landscape, as it would not be substantially larger than the existing house, which cannot practically be adapted. It is also a replacement building outside the settlement boundary on a like for like basis in accordance with Core Strategy policy CSD3.

The site and existing dwelling are not visible from Dungeness Road/Battery Road/Coast Drive outside the estate, and from within the site the dwelling is at the northern end of the estate, which is not a visual focus, and is set against the backdrop of the houses on Battery Road. Therefore, whilst being one of the first properties encountered upon entering the estate, being set back from the road, and in the setting of larger conventional houses, it is not visually prominent. Nevertheless, the house is a well established presence in the conservation area, albeit with more modern / modernised houses to the north and east of it.

To justify the demolition of the existing building, the application states that the current building is in a poor state of repair and is un-insulated, and substantial parts of the building are degraded asbestos. Removal of the asbestos would be likely to reveal the timber frame (if there is one) to be unsound due to water damage. In the circumstances demolition by specialist asbestos contractors and a replacement built to current standards was considered a more practical solution. The existing building (and the other three properties on the track to the south of the properties fronting Battery Road) is one of the older original plotland huts. These tiny pre-fabricated buildings were delivered flatpack for erection on site. The curiosity of these seemingly random scattered plots in the remote shingle is part of the reason the area has conservation area status. The replacement dwelling is conceived from the original fisherman's cottage with net loft, and is proposed to have a timber frame on a concrete raft foundation, with a board and batten exterior re-engineered to modern standards and insulation, with timber framed windows and powder coated profile metal sheeting. All in all, the building would respect the identity and scale of the existing building, whilst being a contemporary dwelling in its own right. The building would have similar mass, ridge height and footprint, with a simpler rectangular footprint and a continuous pitched roof, rather than the outhouse and porch projections of the existing. The south elevation would feature large glazed areas to utilise the views south over the expansive shingle vista. It is considered that maintaining the existing simple rectilinear form and using sympathetic building materials and techniques will help preserve the appearance of this peripheral part of the conservation area and allow it to assimilate into the eclectic mix of houses that encompass the Dungeness estate.

In respect of the wider character of the conservation area, this is diverse in its nature, and the replacement dwelling would be in the context of being on the periphery of the conservation area next to more traditionally designed dwellings. The character of this most northerly peripheral part of the conservation area is compromised by the conventional suburban dwellings on Battery Road. Replacing an existing structure with one of a similar scale, would not be considered detrimental to the overall visual character, and would be considered to preserve the appearance of the conservation area. In conclusion, given that refurbishment needed to make the property habitable would leave virtually nothing left of the original, the replacement in principle would be acceptable, despite the existing cottage having some historic interest. The design is considered to be in keeping with the unconventional aesthetic

of the area, and subject to appropriate external finishes in terms of materials and colour, the proposal would be appropriate in terms of the impact on the conservation area and the Dungeness local heritage generally in accordance with saved policy BE4, and would represent less than significant harm in accordance with paragraph 138 of the NPPF.

The proposed building would sit within the footprint of the existing building minimising additional impact on the shingle, and the raft foundation would limit the need for deep foundations. Further to this parts of the existing hardstanding will be broken up and returned to shingle. Formal landscaping would not be appropriate in this shingle environment, however, the applicants intend to tidy the site and restore the natural habitat of the beach, which would be a positive outcome. The site straddles the SSSI; however, the building footprint sits outside the designated area. Nevertheless, the partial designations of the site triggered the requirement for an Ecology Report to accompany the application, which addresses the impact on the SSSI and the shingle habitat and important flora and fauna. The Ecology report concludes that there is potential for protected species on the site such as badgers (badgers have built a sett under the house, and a licence would be required prior to any works being undertaken), and lizards would need to be trans-located prior to development. However, with appropriate mitigation, harm would be limited, and the report recommended general biodiversity mitigation is incorporated into the scheme. Consequently, Natural England are satisfied the proposals are unlikely to have significant effects on the SSSI. Therefore, they have no objection subject to the mitigation measures set out in the Ecology report secured by condition. As such it is considered the proposal is in accordance with saved policy CO14, Core Strategy policy CSD4, and paragraph 118 of the NPPF in this regard and following this screening an Appropriate Assessment is not required.

The impact on neighbour amenity would be minimal. The existing house has a lawful residential use, and it is considered that the impact of a replacement dwelling of roughly the same proportions would have a neutral impact on the residential amenity of the occupiers of the closest neighbouring properties Portside and Shinglenook, which anyhow enjoy good separation from the application building.

The site is in Flood Zones 2 & 3 as identified on the EA proposals map, but is not identified as being at risk from flooding in the SFRA when allowing for climate change. As the proposal is for a replacement dwelling, the number of dwelling units and the level of vulnerability would remain unchanged. Regardless of this, the proposed building would be more resilient to flooding than the existing, and would be able to provide accessible refuge on the mezzanine storage area, were it required, and the floor levels would be set to that required by the EA. As such, it is considered the development would be safe from flood risk, and would be a safer environment for occupiers, and would not increase flood risk elsewhere. Consequently, as the natural sea defences preclude the site from flood risk, the Environment Agency has no objection, the development passes the exception test and flood risk is therefore not a constraint to the proposed development.

The site is accessed from Dungeness Road by a private driveway which serves three other properties to the rear of the houses on Battery Roads, and reaches a dead end at the light railway track. The shed proposed by the application would provide storage space for bicycles. The replacement dwelling would not lead to a net change in parking demand, and as the site is on a private track, the proposal would have a neutral impact on the public highway.

In conclusion, the proposed replacement dwelling is demonstrably justified and appropriate, and would be in accordance with local and national planning policy and guidance, with no significant identified harm.

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: Paul Howson Position: Senior Planning Officer Date: 10.02.17

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: Ben Geering Position: Head of Planning Date: 03.03.17