

OFFICERS REPORT

Application No: Y17/0866/SH
Location: 96 St Leonards Road Hythe Kent CT21 6HE
Proposal Erection of a two-storey dwelling with new access and associated parking.

ASSESSMENT

Performance data:-

Date application valid: 09/11/17

Applicable 8/13/16 week target date: 04/01/18

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

If Yes, revised 8/13/16 week target date: 29/06/18

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

SITE VISIT

Carried out site visit on 19/01/18.

DESCRIPTION OF SITE & SURROUNDINGS

The site is located within the settlement boundary of Hythe as defined on Shepway's Proposals Map. The entrance to the site (the east side) is within Flood Zone 2 (medium probability), the rest of the site (the west side) is not within a flood zone. The site is part of the rear garden of 96 St Leonards Road, a two-storey detached dwelling with gable boarding and white painted render of a mock Tudor style. The application site is currently overgrown as it has been left for some time. There is an extensive concrete formation occupying most of the back garden of 96 St Leonard road which once had a Belvedere above.

PLANNING HISTORY

Y16/0465/SH - Erection of a dwelling. Withdrawn.

PROPOSAL

The application seeks planning permission for the erection of a two-storey dwelling with new access and associated parking.

CONSULTATION RESPONSES

Hythe Town Council: No objection

Historic England: declined to comment

KCC Ecology: No objection subject to conditons following submission of additional ecological information.

REPRESENTATIONS

None received.

PUBLICITY

Neighbour Letters: Expiry date 14/06/18

RELEVANT POLICIES

Shepway District Local Plan Review saved policies: SD1, BE1, BE5, U1, TR11, TR12
Shepway Core Strategy Local Plan: DSD, SS1
The National Planning Policy Framework: 2012

APPRAISAL

As the site lies within the built confines of Hythe and is within a residential area, the principle of additional housing is considered acceptable however, there are a number of material considerations in the assessment of the suitability of this particular site for development which include:

- o Position, design and visual appearance
- o Neighbouring amenity
- o Historic significance of site
- o Ecology on site

POSITION, LAYOUT AND VISUAL APPEARANCE

There is considered to be a clear established pattern of development on St Leonards Road which is characterised by terraced properties with hipped roofs and small front gardens. To the south of St Leonards Road where this site is located, properties are largely detached.

The application site formed part of the rear garden to 96 St Leonards Road and has been separated off for some time, with the site becoming very overgrown as a result. The rear garden to 96 St Leonards Road is very large in comparison to the dwelling size and in comparison to other plots within the surrounding area. It is therefore considered that the plot can be divided to still provide an adequate garden area for 96 St Leonards Road, accord with the surrounding development in the locality and to also provide sufficient space for a new dwelling without either the proposed dwelling or existing dwelling appearing cramped within their plots.

Paragraph 53 of the NPPF states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. The proposal would essentially provide a back-land development which would not directly address the street front, which in most situations would not be acceptable, however in this instance this is not considered to be unacceptable when assessing other properties within this area and the general layout of development, which although predominantly formal in layout, has multiple areas where properties have been constructed in 'backland' areas. There is also a large block of modern flats that has been built to the south of the site and that occupies the width of this application site and has a driveway from St Leonards Road to the rear of the building. The application property would have a driveway located parallel to this drive and would be constructed in line with this block of flats, creating a pattern of its own. Therefore considering the location and general grain of development to the south of St Leonards Road, together with the large plot, it

is considered that a new dwelling could be accommodated on this site without causing harm to the character of the area or street scene.

The NPPF attaches great importance to the design of the built environment and advises that good design is indivisible from good planning (paragraph 56) and states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

The proposed dwelling has been reduced in scale from the previous application Y16/0465/SH. The design and layout has also been amended during the process of the application to improve the relationship with 96 St Leonards Road and the recently approved block of flats to the north-west. The dormer window has also been reduced in width and the quality of materials has been improved given the close location to the listed building to the south-west, with aluminium doors and windows now proposed. The design of the dwelling is modern in its form yet is considered to be likely to integrate into the area, with a pitched roof and burnt larch boarding which is considered to be appropriate given its close proximity to the beach and the fisherman's huts to the west of the site.

Overall the proposal is considered to comply with policies BE4 and BE12 of the Local Plan, respecting the height, scale, form and materials within the surrounding area and not being detrimental to the character and appearance of the Conservation Area.

NEIGHBOURING AMENITY:

The location for the windows within the proposed dwelling are considered to be acceptable and are considered unlikely to cause loss of privacy to neighbouring properties. There would be no first floor windows which would overlook 96 St Leonards Road, and the window to bedroom 4 would not cause any significant loss of privacy to the approved block of flats due to the position of the window and that the east elevation of the block would not have any balconies, as such there would be no direct inter-looking.

The property to the north facing elevation is Irving House which is not a residential property and therefore there would be no loss of privacy from the window to bedroom 4.

HISTORIC SIGNIFICANCE:

The on-site concrete formation which once had a Belvedere above is not listed and Historic England have declined to comment on the proposal following consultation. The structure is thought to be formed from Pulhamite, which is used in the construction of the listed Zig-Zag path in Folkestone, and is of local interest. However, it is understood that the structure has been investigated previously and not found to be worthy of listing. It is not considered to be an undesignated heritage asset and whilst the loss of the structure is regrettable, there are insufficient valid reasons to insist on its retention and its removal of this structure is considered to be acceptable.

ECOLOGY:

Following a reptile survey being carried out on site which established that there are no reptiles on site it is therefore unlikely that any reptile population is present within the boundaries of the proposed development site and as such no mitigation is required in regard to reptiles. KCC Ecology have no objection however request a condition to enhance biodiversity on site.

OTHER:

The site is within Flood Zones 2 of the EA flood risk maps and part of the site is identified at moderate risk should flooding occur, according to the SFRA, at predicted 2115 sea levels. A new dwelling on this site would be classed as a more vulnerable use. The NPPF guidance

accepts that more vulnerable uses can be appropriate and that the exception test is not required. The NPPF states that opportunities should be sought to reduce the overall level of flood risk in the area through the layout and form of the development. A Flood Risk Assessment was submitted with the application which identifies suitable flood resilient measures and flood reduction measures (p.20) to be implemented in the development, these will be conditioned.

A large driveway and proposed parking is considered to be acceptable for the five bedroom dwelling. The proposal is therefore not considered to have a detrimental impact upon highway safety as a result.

Refuse/recycling storage is proposed to the side of the dwelling which provide easy access for future occupants. Secure cycle storage will be provided within the garage which is lockable.

CIL contributions would be required at £109.40 per sqm as the site is within Zone C.

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: Louise Daniels Position: Senior Planning Officer Date: 27/06/18

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: