

Officer Report

Application No.	23/0964/FH
Site Address	79 St Leonards Road, Hythe, CT21 6HE
Officer Name	Lizzy Nash
Proposal	Detached double garage

Recommendation

Report Number	RD-432280
Recommended Decision	Recommended to be Approve with Conditions
Recommendation Date	25 July 2023

Report

Site

The proposal site is a modest tiled hipped roofed bungalow with a bay window to the front elevation and white painted, pebbledash walls on a red brick plinth. The curtilage for this dwelling is large and shares its Northern boundary with a private drive that gives access to the front elevations of Coast Guard Cottages, a row of 8 terraced dwellings, and the side elevation of the detached property Guardacoste. This dwelling has a large outbuilding located along its southern boundary facing towards the proposal site it is constructed from yellow brick with a tiled hipped roof and is attached to the main dwelling via a small single storey porch extension. The dwelling is also within an SSSI impact risk zone, Archaeological Notification Area and Flood Zone 2.

Site History

No site history.

Proposal

The proposal is for the erection of a detached double garage along the rear boundary of 79 St Leonards Road with access onto the existing private gravel driveway along the northern boundary. The garage would be constructed from red facing brick with a tiled roof and white upvc doors. Occupying almost the entire width of the curtilage the garage would have an overall depth of approximately 6m, a width of 7.5m and an overall height of 4.28m. The eaves height of the proposed structure would be 2.96m.

Consultation Responses

Consultation responses are available in full on the planning file.

Hythe Town Council – No Objection

KSL Environment Agency – Development is covered by standing advise

Representations

No representations received.

Publicity

Neighbours notified by letter. Expiry 20/07/2023

Relevant Policies

NPPF and NPPG

Paragraph 130, 126, 111

Places and Policies Local Plan (PPLP):

HB1

HB8

T2

T3

Appraisal

Design and Visual Appearance

Under HB1 development should aim to make positive contributions to their surrounding location to create places of character. HB8 builds on this by addressing additions and extensions to existing dwellings. Here proposals should reflect the scale, proportions, materiality and detailing of the existing dwelling and avoid having a detrimental impact on the street scene or the residential amenity of neighbouring occupants. The policy also addresses directly that garages should be set back from the highway by 6m to allow for maintenance.

The proposed garage would occupy the entire width of the curtilage with the rolling garage doors facing north. The height of the proposed garage would be 4.28m, this would be comparable to the height of the main dwelling and other outbuildings. This large scale would result in the structure dominating the rear curtilage of the dwelling and the private driveway. Not only this but the footprint of the proposed garage would be of a comparable size, the main dwelling has an area of 64.05 meters squared and the proposed garage would have an area of 50.36 meters squared. However, due to this being set approximately 24.05m to the East of the public highway it would not be widely visible. The garage would also use materials commonly found within the area and reflective of the main dwelling. Therefore, having a limited impact on the street scene and visual amenity of the area.

Considering the above on balance the proposal would have a limited impact on the visual amenity of the street scene and although possessing significant bulk and scale it would not result in an overly dominant development.

Residential Amenity

The proposal site would result in some changes to the outlook of the property to the North, Guardacoste. This property has a large 1.8m brick wall boundary and a separation distance of at least 11m from the proposal, as a result of this although the garage would be visible, the overall impact of the proposal would not be harmful to the amenity of Guardacoste.

The proposed garage would have a larger impact on the properties to the south, particularly 3 and 5 St Hildas Road. The boundary fencing the divides these properties stands at 1.8m the proposed

garages eaves would be set approximately 1.16m above this, with the total height of the structure increasing this by 2.48m. This would have an impact on the outlook of these dwellings with the structure being visible when viewed from the rear elevation of these dwellings in particular for 5 St Hildas Road which is directly adjacent from the structure. However, there would be no associated increase in overshadowing or a loss of light from the proposed structure given its siting to the north. Considering this the overall impact of the proposal would be limited and therefore would be consistent with policies HB1 and HB8.

Parking and Highways Safety

Under policy T2 a dwelling of this size in this location should provide at least 1 off street parking space. The double garage would not count towards this provision with no indication on the submitted drawings as to how this parking space would be accommodated. However there is not an existing parking provision for the dwelling so the proposal would not result in a loss of parking. HB8 also addresses garages stating that they should be set back from the highway by at least 6m. The proposed garage would be located 20m from the highway along a private driveway, this would allow for the required space for maintenance. In light of the above the proposal would not result in harm to highway safety.

Archaeology and SSSI

The site is within both an Archaeological notification area and SSSI impact risk zone, however due to the minor scale of the development mitigation measures are not required.

Flooding

The standard advice for flooding applies to this development, due to it being a minor development that consists of a householder planning application. This exempts the development from requiring a flood risk assessment. As per HB8 it is required that the proposed floor level be no lower than that of the existing this is indicated on the proposal plans.

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.

Duty to Cooperate

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service and, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance the application was acceptable as submitted.

Recommendation

Considering the above, it is considered that the proposal should be granted planning permission as it is considered a sustainable development that complies with the Places and Policies Local Plan and the NPPF and is recommended for approval subject to conditions.

Recommended Conditions (3)

1

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which permission is granted.

Reason: In pursuance of section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2

The development hereby permitted shall not be carried out except in complete accordance with the following drawings and documents received 16/06/2023:

Application Form

Location Plan

Block Plan

Roof Plan

South elevation (Rear)

West elevation (Right)

East Elevation

North elevation (front)

3D Model (Isometric)

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of Places and Policies Local Plan.

3

The development shall be carried out in accordance with the details of materials as specified in the application, unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of visual amenity