

Officer Report

Application No.	23/2036/FH
Site Address	76-78 St Leonards Road, Hythe, CT21 6HW
Officer Name	Danielle Wilkins
Proposal	Detached new dwelling

Recommendation

Report Number	RD-434045
Recommended Decision	Recommended to be Approve with Conditions
Recommendation Date	18 March 2024

Report

SITE

The application site is furthestmost end of two residential gardens, 76 & 78 St Leonards Road with frontage to Wakefield Way. The site is currently overgrown with two dilapidated garages. The site has properties to either side, 60 Wakefield Way to the north and The Garden House to the south.

The site is within the settlement of Hythe and is within an area identified as having archaeological potential, there are no other designations on the local policies map.

RELEVANT HISTORY

21/2372/FH - Erection of a two storey detached dwelling with internal double garage. Refused – Appeal dismissed.

1. The proposed dwelling, by virtue of its height, excessive depth and location close to the site boundary, would result in an overbearing sense of enclosure, appear visually obtrusive and result in loss of light to the immediate neighbouring occupiers to the north, which would be detrimental to their residential living conditions. The application is therefore contrary to policy HB1 of the adopted Places and Policies Local Plan 2020.

2. The proposed dwelling fails to provide any off-street parking to serve future residents of the property, which as a result, would prejudice highway safety and convenience by increasing parking pressures on the private access road that leads to the application site. The application is therefore contrary to policy T2 of the adopted Places and Policies Local Plan 2020.

PROPOSAL

This application seeks planning permission for the erection of one no. detached two storey dwelling.

Following the previously refused application this application for one no. dwelling within the rear gardens of 76 & 78 St Leonards Road has been considerably amended.

The dwelling would provide for an open plan lounge/kitchen/dining area, w/c and single bedroom at ground floor with an addition two double bedrooms (one with en-suite) and family bathroom at first floor. A covered cycle store is proposed within the dwelling accessed via double doors within the front elevation. A large rear garden is proposed (between 12 and 16.5m in length) together with a driveway, providing off-street parking for up to 3 cars, and a small area of garden to the front of the dwelling.

The dwelling has been positioned further back into the plot than the previous submission, following the angle of the private road that provides access to The Gardens House and the garages to the rear of properties on this section of St Leonards Road.

The dwelling would be finished in a combination of facing brickwork, black timber cladding and slate roof tiles and fenestration would be black aluminium.

The two storey part of the dwelling would measure approximately 5.9m in width, 12.5m in depth and 7.9m in height (eaves of 5.2m), with the roof extending via a catslide over a single storey side element measuring approximately 2.5m in width and 8.3m in depth. A single storey flat roofed element is also proposed measuring approximately 3.9m in depth and 5.5m in width.

The dwelling would be set fairly centrally in the plot, maintaining a gap of approximately 1.7m to the boundary with 60 Wakefield Way to the north and 0.9m to the boundary with The Garden House to the south. This gap to the north is increase at first floor to 4.3m.

CONSULTATION RESPONSES

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

Hythe Town Council – no objection

KCC Ecology & Biodiversity – no objection

KCC Highways – no comments to make

Environment Agency – no comments to make

REPRESENTATIONS

3 representations have been received in support of the proposals, these are available in full on the planning file. The main points have been summarised below:

- Well designed
- In keeping with the area
- Enhance the area

PUBLICITY

Neighbours notified by letter. Expiry date 06/03/2024

RELEVANT POLICIES

Core Strategy Local Plan: SS1, SS2, SS3, CSD1, CSD2, CSD7

Places and Policies Local Plan: HB1, HB3, HB10, T2, T3, T5, HE2

NPPF Paragraphs: 11, 38, 47, 55, 57, 70, 123, 124, 126, 131, 135, 180

NPPG:

APPRAISAL

Principle of Development

The application site is located within the settlement boundary for Hythe. Policy SS1 District Spatial Strategy in Core Strategy Local Plan 2013 states that additional development should be focused on the most sustainable towns and villages as set out in policy SS3.

Policy SS3 Place-Shaping and Sustainable Settlements Strategy states that development within the District is directed towards existing sustainable settlements to protect the open countryside and the coastline, in accordance with policy SS1. Change in settlements will be managed to occur in a form that contributes to their role within the Settlement Hierarchy and local place-shaping objectives, to promote the creation of sustainable, vibrant and distinct communities.

NPPF in paragraph 117 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

The site is located within the urban area in Hythe, therefore, it is within a sustainable location and within an urban area.

It is considered that new housing development is acceptable in principle in this location but the proposal must be assessed in respect to matters of design and character of the area, impact on neighbours' amenities and in respect to parking and highway matters. These issues are considered further below.

Design and visual appearance

Policy HB1 requires new residential development to make a positive contribution to its location and surroundings, enhancing integration while also respecting existing buildings and land uses, particularly with regard to layout, scale, proportions, massing, form, density and materiality.

NPPF paragraph 135 states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

Wakefield Way is residential street with a mixture of bungalows and two storey dwellings. The Garden House to the north of the application site is a two storey detached dwelling, there are no immediate neighbours to the south, this remains as garden land of the dwellings fronting St Leonards Road. The proposed dwelling would occupy the site between 60 Wakefield Way and The

Garden House, fronting onto the shared access from Wakefield Way, following the existing pattern of development.

The proposed dwelling would be detached and two storey fronting onto Wakefield Way, following the previously refused scheme the siting and design of the proposed dwelling has been significantly amended, it would be set further back in the plot and have a seemingly narrower frontage, with a single storey side element set back further still, it would have a lower ridge height than both neighbouring dwellings, and be finished in high quality materials that are sensitive to the location. The use of additional glazing within the front and rear gabled elevations adds a modern aspect to the dwelling. The dwelling is of modest size that would sit comfortably within the plot. It is therefore considered that the proposal is acceptable with regard to siting, design and visual appearance and generally complies with the aims of local plan policies. It is considered that the proposal has overcome the previous reasons for refusal.

Amenity

Internally the size and layout of the dwellings would provide an acceptable level of space for the intended level of occupation, in accordance with policy HB3, as would the external garden area, internally and externally the proposed dwelling exceeds the nationally described space standards. In addition, all rooms within the proposed dwelling would be well served by natural light with the bedrooms each being served by large front and/or rear windows. The open plan living space to the ground floor would be served by both the French doors into the rear garden and a large roof lantern providing plenty of natural light to this habitable space.

The proposed development could introduce back-to-back interlooking between windows in 76 & 78 St Leonards Road in particular, however there is ample space separation of between 43 & 47m which is considered acceptable to prevent any significant interlooking and loss of privacy to these dwellings.

Turning, to the Garden House to the south, this dwelling set back from the application site and only one ground floor side window is proposed which would only look onto the parking area of The Garden House, however a 1.8m high close boarded fence is proposed to this side boundary, preventing any loss of privacy to either occupiers.

It is also not considered that the Garden House would suffer any significant overshadowing or loss of light owing to its position to the south of the application site and the track of the sun.

Turning to the dwelling directly to the north of the site, it was previously considered that this neighbouring resident would be the most affected by the proposal for a new dwelling at the site, however following the previously refused planning application the proposed dwelling has been reconfigured and repositioned within the site, further away from no. 60 Wakefield Way with the height reduced to single storey with a catslide roof over, angled away from the neighbouring dwelling. In addition, no side windows are proposed within the ground floor elevation and only one no. roof light window is proposed to serve the family bathroom, although not stated on the plans, a condition will be imposed to ensure that this window is obscure glazed to prevent any perceived overlooking of the residents at no. 60 Wakefield Way.

As such, it is considered the proposal would safeguard the amenity of neighbouring occupiers and would therefore comply with policy HB1 of the PPLP.

Parking and highways

Policy T2 of the Places and Policies Local Plan sets out the parking standards required for residential dwellings and the adopted 'Kent Design Guide Review: Interim Guidance Note 3 for Residential Parking' is adopted and sets out the parking spaces required for residential dwellings.

The adopted parking standards state that 2/3 bedroom houses require 2 parking spaces. However, as the site is within the urban area and close to bus stops, it is acceptable for one car space to be provided. At least two off-street parking spaces are provided in tandem to the front of the dwelling, providing adequate off-street parking for the dwelling.

In addition, three covered cycle parking spaces would be provided within the front storage area.

Ecology

Full consideration of the ecological impacts of the proposal has been set out in the Preliminary Ecological Appraisal, the county ecologist has raised no objections to the recommendations set out in the report and accompanying surveys subject to the condition that an Ecological Enhancement Management Plan be approved prior to commencement of works in addition to sensitive working measures for reptiles and breeding birds.

Archaeology

The site is located within an area of archaeological potential, however owing to the fairly minor scale of the proposal and location within the built-up area, no further mitigation methods are required in this instance.

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.

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. The CIL levy in the application area is charged at £135.10 per square metre for new residential floor space.

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.

Recommended Conditions (9)

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 the 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 approved drawings and documents: 01 Rev A, 04, 05, 06 and 07

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 hereby approved 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 interests of visual amenity.

4

No development beyond the construction of foundations shall take place until details to demonstrate that the dwellings hereby permitted shall use no more than 110 litres of water per person per day have been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented as agreed.

Reason:

In the interest of sustainable development and minimising water consumption.

5

Prior to the first occupation of any dwelling hereby permitted, one electric vehicle charging point per dwelling shall be provided, in accordance with specifications and in location(s) that have been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interest of sustainable development and reducing carbon emissions.

6

Notwithstanding the provisions of Class B, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no dormer windows shall be inserted in the dwelling house hereby permitted.

Reason:

In the interests of residential amenity.

7

Before the development hereby permitted is first used, the rooflight window within the north facing roof slope shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3, and these windows shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason:

To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

8

No development shall commence until an Ecological Enhancement Management Plan (EEMP) has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide detailed mitigation measures and ecological enhancements to be carried out on site, together with a timetable for implementation. The development shall be carried out in accordance with the approved details.

Reason:

To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

9

The area shown on the approved plans for the parking of vehicles shall be kept available as such and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land or in such a position as to preclude vehicular access thereto.

Reason: In the interests of highway safety and convenience.

Suggested Informatives (2)

1

As the core bird breeding season has now commenced (March to August inclusive), an ecologist should be present on site for any clearance works to ensure no nests are disturbed or destroyed at any point. Under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built.

2

The applicant is advised to consider the Butterfly Conservation's recent, succinct advice note on moths and light pollution which contains a simple guide to minimising light spill and light pollution for homeowners to minimise impacts to moths.