

Officer Report

Application No.	24/0219/FH
Site Address	West Leigh, 9A North Road, Hythe, CT21 5DS
Officer Name	Lizzy Nash
Proposal	Juliet balcony to be installed in the place of existing window at rear elevation

Recommendation

Report Number	RD-433918
Recommended Decision	Recommended to be Approve with Conditions
Recommendation Date	05 April 2024

Report

Site

The proposal dwelling is a semi-detached two story dwelling with a large gable projection to the front. Materially it consists of red brick with a tiled pitched roof and a covered porch with white uPVC windows. The dwelling is located halfway up a hill and the curtilage slopes away from North Road significantly. The rear elevation has a single storey pitched roof addition with large windows and a staircase to gain access to the rear curtilage. The site is within an area of slope instability Class D, SSSI Impact Risk Zone, Archaeological Notification Area, Special Character Area and Hythe High Street and Vicinity Conservation Area.

Site History

95/5002/SH – Request to pollard two chestnut trees within a conservation area – Approved
 CH/4/63/40/303 – Erection of a demi-detached house – Approved
 CH/4/63/96/309 – Erection of a private garage – Approved
 CH/4/63/95/309 – Erection of a private garage – Approved
 CH/4/63/156/30 – Amendments to south elevation of dwelling – Approved
 CH/4/63/42/303 – Erection of a demi-detached house – Approved
 CH/4/63/157/30 – Amendments to south elevation of dwelling – Approved

Proposal

The application seeks to replace a ground floor window within the rear elevation of the dwelling with French doors and the introduction of a Juliet balcony. It would be in the same location and would increase the opening by 0.83m in height with the width remaining as existing. The balustrade for the Juliette balcony is proposed to be constructed from glass.

Consultation Responses

Consultation responses are available in full on the planning file.

Hythe Town Council – No Objection

Representations

No representations have been received.

Publicity

Neighbours notified by letter. Expiry 04/04/2024

Relevant Policies

NPPF and NPPG

Paragraph 131, 127, 195-208

Historic Environment

Places and Policies Local Plan (PPLP):

HB1

HB8

Appraisal

Design and Visual Appearance

The proposal represents a relatively minor addition to the existing dwelling swapping an existing window within the rear elevation with larger full length French doors and introduction of a Juliet balcony. The larger opening would result in the window being increased in length by 0.83m towards the ground and would use white uPVC to match the existing materials used within the dwelling. A glass balustrade is proposed to French doors to create a Juliet balcony, this would have minimal impact on the appearance of the dwelling. The use of large amounts of glazing would also be reflective of the existing fenestrations and therefore would be an appropriate addition that is reflective of the character and appearance of the dwelling. Considering the above the proposal would meet policies HB1 and HB8.

Residential Amenity

The replacement window and Juliet balcony would enlarge an existing opening by 0.83m towards the ground, this is considered to be a relatively minor addition and would not increase the width of the opening. Therefore the proposal would not increase existing levels of overlooking or inter-looking. Furthermore, the closest dwelling to the proposal has a separation distance of approximately 14m. Considering the above the proposal is not considered to result in harm to the residential amenity of neighbouring occupants.

Conservation Area

The proposal site is located within Hythe High Street Conservation Area and the impact that the proposal would have on the wider area needs to be considered to ensure that the proposal would preserve or enhance the appearance or character of the conservation area. The proposal is located to the rear of the dwelling and is not widely visible within the conservation area. Additionally, the proposal would have no impact on the overall character and appearance of the property and would not alter the contributions that the dwellings make to the wider area. Considering the above the proposal would preserve the character and appearance of the conservation area.

The conservation area is designated as such due to its historical and architectural significance. For the reasons given above, the proposed alteration to the window and Juliette balcony would not result in harm to the significance of the heritage asset.

The proposal is considered acceptable in terms of the provisions set out under PPLP Policies HB1 and HB8 and Chapter 16 of the NPPF.

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.

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 the view of this officer 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:

23.26.110 Block plan of the site (Received: 15/02/2024)

23.26.100 The location plan (Received: 15/02/2024)

23.26.300 Proposed Elevations Floor Plan and site plan (Received: 15/02/2024)

Design and Access Statement (Received: 25/02/2024)

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