

Application No: Y18/1536/FH

Location of Site: 2 Chislett Close, Sellindge, Ashford, Kent, TN25 6HW

Development: Erection of a chalet bungalow

Applicant: Mr & Mrs Brenchley

Agent: Mr James Reuther
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TN25 6SX

Date Valid: 10.01.19

Expiry Date: 07.03.19

PEA Date:

Date of Committee: 27.08.19

Officer Contact: Katy Claw

SUMMARY

This application is for the erection of a detached dwelling with rooms in the roofspace and off-street parking provision to the front elevation, to be sited within the side garden of the existing property at 2 Chislett Close. The design, materials and layout of the proposed dwelling are considered to reflect the neighbouring properties and would be in keeping with the streetscene. The amenities of existing and future occupants are considered safeguarded. There are no highway safety concerns.

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

1.0 THE PROPOSAL

1.1 This application is for the erection of one detached dwelling in part of the garden plot located to the side (north) elevation of 2 Chislett Close, a detached single storey dwelling. The proposal includes forming an independent access (utilising part of the existing) and forming off-street parking provision to serve the proposed dwelling, for two vehicles. To enable this dwelling to be built an existing detached garage and outbuilding would be demolished.

- 1.2 The dwelling would be set over two floors, the first floor being contained within the roof space. The overall height of the building would be approximately 6.2m with an eaves height level of approximately 3m. At ground floor the dwelling would provide a living room, kitchen, bathroom and three bedrooms, one with en-suite. At first floor there would be two further rooms, bathroom and built-in storage areas.
- 1.3 The building has been designed in a 'L' shape with hipped roofs and a ground floor side/rear flat-roofed addition, with two roof lanterns and two pitched roof rear facing dormer windows. The dwelling would be finished in brick with a tiled roof. Externally there is provision for a hardstanding/driveway and some patio paving to the side/rear with the rest of the site laid to grass.

2.0 SITE DESIGNATIONS

- 2.1 The following apply to the site:
 - Within the settlement boundary of Sellindge

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The site forms part of the side garden area of 2 Chislett Close, which is a substantial bungalow-style dwelling located at the end of a cul-de-sac which it shares with four other dwellings of similar size and design. The proposed dwelling would be located to the immediate north of the parent property, between No.2 and No.3 Chislett Close. The proposed plot measures approximately 32m x 80m and includes an existing enclosed swimming pool structure to the northwest of the plot (to remain) and other various domestic sheds and small structures. A larger outbuilding, which sits on the boundary with No.3, together with a detached garage, would be demolished to accommodate the dwelling.
- 3.2 Abutting the site to the north is the garden of No.3 Chislett Close. The perimeters of the application site are quite heavily tree lined with agricultural land beyond to the west. The designated settlement boundary of Sellindge runs through the site with the swimming pool structure being located outside of this designated boundary.
- 3.3 Chislett Close is a private road, the nearest public highway is Swan Lane, located approximately 95m to the southeast. There are no designated public footpaths in close proximity to the site.

4.0 RELEVANT PLANNING HISTORY

- 4.1 The recent planning history refers to two planning applications submitted in 2017 for conversion and alterations to the existing swimming pool structure to form a dwelling. These were both refused on the grounds that the proposal would have constituted the creation of a residential dwelling located in the countryside outside of any settlement boundary. No over-riding evidence was provided to demonstrate that the conversion of the outbuilding was essential to meet housing need in the area and the proposal would therefore have resulted in an unacceptable encroachment of the built development into the countryside.

5.0 CONSULTATION RESPONSES

- 5.1 Consultation responses are available in full on the planning file on the Council's website.

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below.

5.2 Sellindge Parish Council

Object to the application on the grounds that the development is completely out of character with the rest of the close. The introduction of a 1.5 storey dwelling would be unacceptable and that there are errors in the design and access statement.

6.0 PUBLICITY

- 6.1 Neighbours notified by letter. Expiry date 01.02.2019

7.0 REPRESENTATIONS

- 7.1 No representations from interested parties have been received.

8.0 RELEVANT POLICY GUIDANCE

- 8.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.
- 8.2 The following saved policies of the Shepway District Local Plan Review apply: SD1, BE1, BE8, HO1, U1, TR11, TR12
- 8.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS2, SS3, CSD1, CSD5
- 8.4 The following policies of the Places and Policies Local Plan Submission Draft apply: HB1, HB3, HB10, T2, T5, CC2
The Submission draft of the Places and Policies Local Plan (PPLP) (February 2018) was published under Regulation 19 of the Town and

Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there has not been significant objection.

- 8.5 The following policies of the Core Strategy Review Submission Draft 2019 apply: SS1, SS2, SS3, CSD1, CSD5

The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.

- 8.6 The following paragraphs of the National Planning Policy Framework 2018 apply: 11, 12, 38, 47, 48, 127

9.0 APPRAISAL

Background

- 9.1 There have been two previous planning permissions for a single dwelling on the site which have been refused on the grounds that the location of the dwelling (the location of the existing disused swimming pool structure) would be outside of the defined settlement boundary. This current application seeks to erect a new dwelling within the established settlement boundary.

Relevant Material Planning Considerations

- 9.2 The relevant issues for consideration are the acceptability of the principle of the proposed development, the design of the property and its visual impact on the street scene and countryside, the impact on neighbour amenity, parking and highway considerations together with means of foul and surface water drainage.

Principle of Development

- 9.3 The principle of new development in this location is supported by saved Local Plan policy HO1, which supports residential infill within existing urban areas and Core Strategy policy SS3 which states that the principle of

development is likely to be acceptable in defined and sustainable settlements, identifying Sellindge as a Rural Centre (Table 4.3) with a role to *“develop – consistent with enhancing the natural and historic environment – in a manner that supports their role as integrated tourist and local centres providing shops and services for a significant number of residents, visitors, and also for other villages in the North Downs or Romney Marsh.”* However, this is subject to environmental, highways, and other material planning considerations.

Design and Layout

- 9.4 Policy SD1 requires new development to 'maintain and improve the character and vitality of the built environment, promote a high quality design and ensure that development density is appropriate to its location'. The NPPF does not rule out the location of new dwellings in existing gardens but requires that such development should be considered on a case by case basis and be refused if the development would cause harm to the local area. The NPPF presumes in favour of sustainable development unless the development conflicts with Local Plan policies or material considerations indicate otherwise.
- 9.5 Emerging policy HB10 of the Places and Policies Local Plan says that development proposals involving development of residential gardens within settlement boundaries will be permitted provided that the proposal responds to the character and appearance of the area, as well as layout and pattern of the existing environment, taking into account views from streets, footpaths and wider residential and public environment. The emerging local plan is at an advanced stage, with policy HB10 having no significant outstanding objections and being consistent with the NPPF. Consequently, it is considered to carry significant weight.
- 9.6 With regard to these policies and the proposed layout, the application site is considered to provide sufficient room to accommodate the proposed dwelling without the plot appearing cramped, whilst being sympathetic in relation to the layout and spacing of the existing built form of Chislett Close. The front façade of the main dwelling would be sited approximately 16m back from the highway, a similar distance back from the existing dwellings in the close, thereby reducing the overall visual impact and ensuring that the proposal would not appear incongruous within the context of the immediate street scene.
- 9.7 Parking provision would see two independently accessed off-street parking spaces set in front of the main house similar to the other dwellings in Chislett Close. Bin storage has been indicated on the proposed plans and there is sufficient space within the application site to provide the required storage, which can reasonably be secured by condition. The proposed layout is therefore considered to accord with the surrounding development. The existing dwelling would retain two off-street parking spaces for its sole use, located within the blue line.

- 9.8 Turning to design, it is clear that the properties in Chislett Close are all of similar architectural form, hipped roofed single storey dwellings finished in red brick with dark tiled roofs and brown fenestration. The detached garages are mainly gable fronted but finished in similar materials. Given the shape of the plot it is not possible for the same width of dwelling to be achieved but the overall design is similar, with the dwelling designed with a hipped roof. Whilst the proposed dwelling would have a floor within the roof space, it would appear as a bungalow style dwelling when viewed from the road, with the dormers serving this roof space located to the rear of the property and not readily visible within the street scene. The finished materials proposed are described in the design and access statement as matching the other dwellings in the close. This is considered acceptable and can be subject to a suitably worded condition that requires finished materials details/samples to be submitted for approval, should permission be granted. Overall the proposal is considered to be of good design that would sit comfortably within the existing street scene. The proposal also complies with the internal and external space standards as set out under emerging policy HB3 of the PPLP in respect of room sizes and garden size for both the proposed and existing dwelling.
- 9.9 The proposal would see the loss of the existing garage and outbuildings on the site. These structures are of no architectural merit and there are no objections to the loss of these structures. There is an existing 1.8m high fence that separates the application site from the neighbour and this would be retained.
- 9.10 Overall, it is considered that the design, layout and materials proposed for the new dwelling, in conjunction with suitably worded conditions, would align with the aims of saved local plan policy BE1 and emerging policies HB3 and HB10 which seek a high standard of layout, design and choice of materials and that development should accord with and respond to existing development in the locality, where the site and surrounding development are physically and visually interrelated in respect of building form, mass, height and elevational details.
- 9.11 The property would be located on the edge of the settlement boundary and therefore impact upon the countryside needs to be considered. In this case the settlement boundary ends half way up the garden but the garden itself is well screened by mature trees and planting with views in and out of the site significantly limited as a result. It is accepted that the natural screen could be removed at any time and the site may become more visible as a result. In this instance the new dwelling would be located between two existing dwellings and therefore would not look incongruous when viewed from the wider countryside.

Amenity

- 9.12 The development would reduce the garden area of 2 Chislett Close quite significantly, however the retained garden is of a good size and would still comply with the external space standards as set out under emerging policy HB3 and is therefore considered acceptable. The proposed dwelling would

not adversely impact upon this neighbour with regard to loss of light, overshadowing or overbearing as there is approximately 4m between the two units, the proposed dwelling is set further back in the plot and the sun's trajectory would cast shadow away from No.2. As regards privacy, the proposed dwelling would have two ground floor side windows serving bedrooms facing No.2. However, the application proposes a 2 metre high boundary fence between the existing and proposed units and therefore overlooking would not occur. The first floor rear dormer windows would only offer views to the very end of the rear garden of No.2 due to the position of the proposed dwelling in its plot. Overall, it is considered that the amenities of the occupants of No.2 would be safeguarded.

- 9.13 There would be sufficient space separation between the proposed dwelling and the neighbour at No.3 to ensure that the proposal would not adversely impact upon this neighbour in terms of overshadowing or overbearing. The proposal does include two roof light windows to the front and side (north elevations). The front facing roof light serves a bathroom and the side roof light serves a 'box' room. Any views obtained from these windows would not significantly adversely impact upon the privacy of the neighbour at No.3 given the space separation and orientation of these roof lights.
- 9.14 Overall, it is considered that the proposed development would accord with paragraph 127 (f) of the NPPF (2019), saved policy SD1 and emerging policy HB3, which together seek to ensure that design should achieve a good standard of amenity for all existing and future occupiers, which includes layout and access arrangements and ensure that development contributes towards ensuring a better quality of life for everyone, now and for generations to come.

Highway Safety

- 9.15 The proposed development would provide off-street parking facilities set in front of the main house, similar to the other dwellings in Chislett Close. In terms of parking provision, KCC IGN3 requires '2 independently accessible parking spaces per unit' and the application sets out that two spaces would be available. However, it appears possible that the hardstanding area could accommodate more vehicles than this in reality. It is accepted that the proposal sees the loss of an existing garage but KCC Interim Guidance Note 3 does not count garage spaces toward parking provision. When applying the minimum size requirements for vehicle parking spaces, the spaces shown on the proposed block plan meet the minimum space size requirements. It is noted that there is already a garage on the site and active driveway in association with No.2 Chislett Close, but this property would still retain sufficient off-street parking provision for at least 2 vehicles. Consequently, the proposed level of parking is considered acceptable.
- 9.16 The proposed hardstanding area in association with the new dwelling would exit onto a private road (Chislett Close) and consequently is not within the jurisdiction of Kent Highways and Transportation. Whilst there is no turning area within the application site, Chislett Close is a private 'no-through-road'

where vehicle speeds and volume of traffic are likely to be lower than other roads, with low levels of vehicular and pedestrian movements. There are a number of other private driveways that exit onto Chislett Close, however the new access will not impact upon any of those existing driveways. Consequently, given the above and that the access is existing and would serve only one additional dwelling, it is considered that the proposed access would not result in any increase in dangers to other highway users.

- 9.17 Overall, the access and parking provision for the proposed development is considered to be acceptable with regard to saved policies TR11 and TR12, or emerging policy T2, which seek to ensure new accesses are not detrimental to highway safety and that parking provision would have no adverse effect upon road safety or traffic management.

Environmental Impact Assessment

- 9.18 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.

Other Issues

- 9.19 The application form indicates that the disposal of the foul drainage is unknown. No.1, No.2 and No.3 do not appear to be served by Southern Water foul drainage system and therefore would likely have some form of septic tank or cesspool system. There appears ample external space for such a system to be installed and so details of drainage would need to be submitted, approved and installed prior to occupation of the dwelling. Details of foul and surface water drainage can be adequately dealt with by condition.
- 9.20 Sellindge Parish Council raised concern with regards to errors in the Design and Access Statement. These amounted mainly to typos and a lack of detail with regards to the setting of the site. A site visit was undertaken by the case officer who has gained a good understanding of the site and its context and therefore the errors in the statement have not had any significant material impact upon the decision making process and the recommendation to approve. The agent submitted an amended statement which took account of the comments made by the Parish.
- 9.21 This application is reported to Committee due to the objection from Sellindge Parish Council

Local Finance Considerations

- 9.22 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.

9.23 In accordance with policy SS5 of the Shepway 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 £138.94 per square metre for new residential floor space. A CIL self-build exemption form has been submitted to the Council and as such there will be an exemption from the CIL levy.

Human Rights

9.24 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

Public Sector Equality Duty

9.25 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.

10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 5.0 and any representations at Section 7.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Manager to agree and finalise the wording of the conditions and add any other conditions that he considers necessary:

1. Standard time condition
2. Approved plans
3. Water efficiency
4. Materials to be submitted and approved
5. Parking/cycle parking to be provided and retained
6. Hard and soft landscaping details to be submitted and approved
7. Foul drainage details to be submitted and approved
8. Surface water drainage details to be submitted and approved
9. Refuse/recycling store to be provided and retained
10. Boundary treatment

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