

Application No: Y19/0409/FH

Location of Site: Redlynch House, 19 Hillcrest Road, Hythe

Parish/Town Council: Hythe Town Council

Ward: Hythe

Development: Section 73 application to vary condition 2 of application Y18/0215/SH to enlarge the lower ground floor and enlarge the first floor, increase of balcony sizes, alterations to and additional windows, enlargement of front entrance, roof design altered to pitched roof with a concealed flat roof, dormer height increased, 1 additional parking space provided and other external alterations.

Agent: Mr Leo Griggs, Alliance Building Company Contracts Ltd

Officer Contact: Louise Daniels

Site Area (ha): 0.11 ha

SUMMARY

This report considers whether planning permission should be granted for a variation to the previously approved scheme which was for the erection of a replacement building to accommodate 8 apartments following demolition of the existing residential care home. The report recommends that planning permission be granted as it is considered that the amenities of existing and future occupants would be safeguarded and that the design, materials and layout of the proposed building would still reflect the neighbouring properties and would be in keeping with the streetscene of Hillcrest Road.

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. INTRODUCTION

1.1. The application is reported to Committee due to the objection from Hythe Town Council and because of a call-in request by Cllr Whybrow should the application be recommended for approval.

2. SITE AND SURROUNDINGS

- 2.1. The application site previously accommodated a vacant 2 storey residential care home converted from a large detached house, located on the south side of Hillcrest Road, midway between Brockhill Road to the west and Castle Road to the east. The site sits within an elevated section of Hythe with dwellings running generally laterally across the slope of the hillside, benefiting from views of Hythe and the English Channel. Since the previous application was granted, the care home has been demolished and development has commenced on site.
- 2.2. The site is located within a predominantly residential area and within a designated Area of Special Landscape Character. Before development commenced, the front of the property incorporated a separate in and out vehicular access and a garden to the rear, beyond the end boundary of which slopes steeply downwards to Quarry Cottage on Quarry Lane.
- 2.3. A site location plan is attached to this report as **Appendix 1**.

3. PROPOSAL

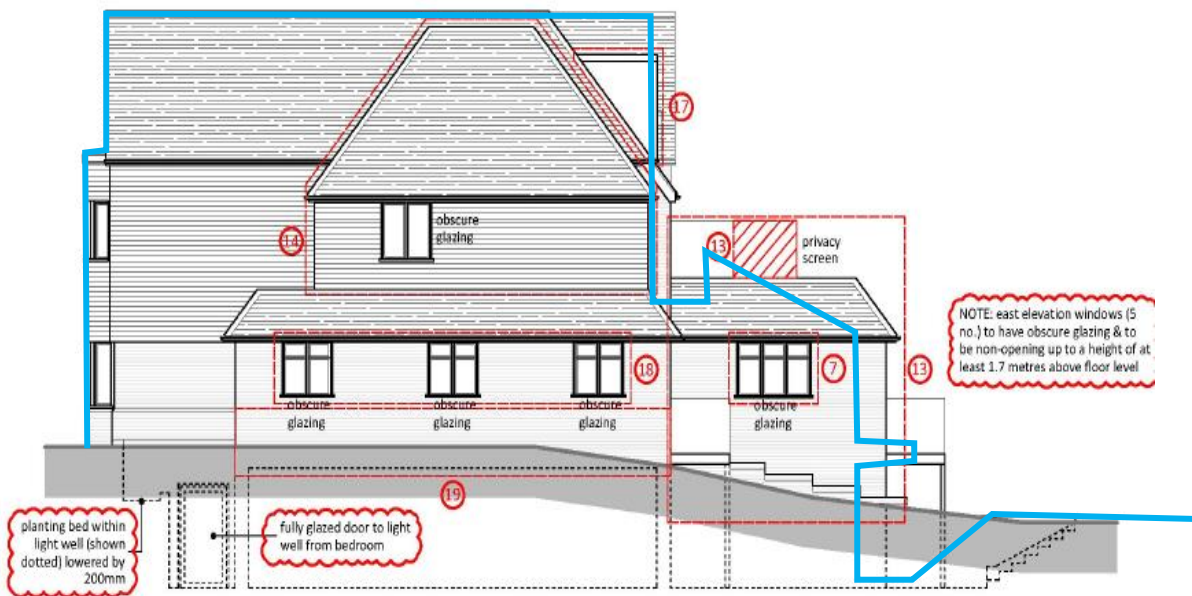
- 3.1. The previous planning permission (Y18/0215/SH) was granted for the demolition of the existing care home building and the erection of a 4 storey building to accommodate 8 flats. When viewed from Hillcrest Road the approved building would be 3 storeys high with the third floor within the roof space and from the rear, the building would be 4 storeys due to the lower ground floor being set within the slope.
- 3.2. This current application is also for 8 flats but seeks to vary the previously approved development to enlarge the overall footprint from 850 square metres, as previously approved, to 856 square metres. The building would be extended in depth slightly to the rear elevation by 25cm to the lower and upper ground floors. The plans below (Figures 1-3) shows the proposed changes and includes the proposed side elevation and the outline of the previously approved side elevation in blue. The roof of the two-storey rear projection is proposed to be changed from an approved pitched roof with concealed balconies to a concealed flat roof, with a shallower pitch, and two larger balconies to the first floor and the roof lights would be omitted. The depth of the two rear balconies to Units 06 and 07 (first floor) would be increased to 3m from 1.5m as previously approved.



Figure 1 - Block plan (upper ground floor) as approved under Y18/0215/SH



Figure 2 - Block plan (upper ground floor)



east elevation

Figure 3 - Proposed side elevation and outline of Y18/0215/SH in blue.

3.3 The lower ground floor would be enlarged to provide a third bedroom and bathroom to Unit 02 and a store/utility room to Unit 01. A fully glazed door to the front part of the building onto a light well for Unit 02 is also proposed which

would have a recessed planting bed at ground floor level to the light well area to serve the additional bedroom. Steps are proposed to the rear from the private terrace area of Unit 02 up to the rear garden.

- 3.4 To the upper ground floor level, an additional window to the east facing elevation, and an additional window to the west facing elevation are proposed, these would be obscure glazed and non-opening up to 1.7m from the finished floor level and can be restricted as such by condition. One of the windows to Unit 03 would be increased in width to a double casement. To the front elevation (north facing), the projecting front entrance would be increased in width by 225mm together with other alterations to the fenestration. However the overall width of the building remains as previously approved. The window approved to the front elevation would be altered to suit the landing heights.
- 3.5 To the first floor level, a new window to the rear elevation (south facing) is proposed to Unit 06 and the window positions altered from those positions approved previously. The side projecting element would be enlarged to increase the floor area to Unit 07 to provide a larger kitchen layout. The entrance into Unit 08 is shown relocated to the first floor level from the previously approved location on the second floor.
- 3.6 To the second floor level, the folding doors to the balcony of Unit 08 would be increased in width from 3.3m to 4m and the balcony depth increased to 1.9m from 1.5m. Glazing would be added rather than the balcony being set behind the roof slope as previously approved. The dormer height would also be increased to accommodate a double Juliet balcony with glazing added.
- 3.7 To the front of the site, an additional parking space is proposed, increasing provision from 7 parking spaces to 8 parking spaces. To accommodate this some of the grassed area previously proposed would be replaced with hardstanding and a proposed tree omitted.
- 3.8 Figures 4 - 7 below show a dotted black line which indicates the outline of the original care home building on the site, which has now been demolished.

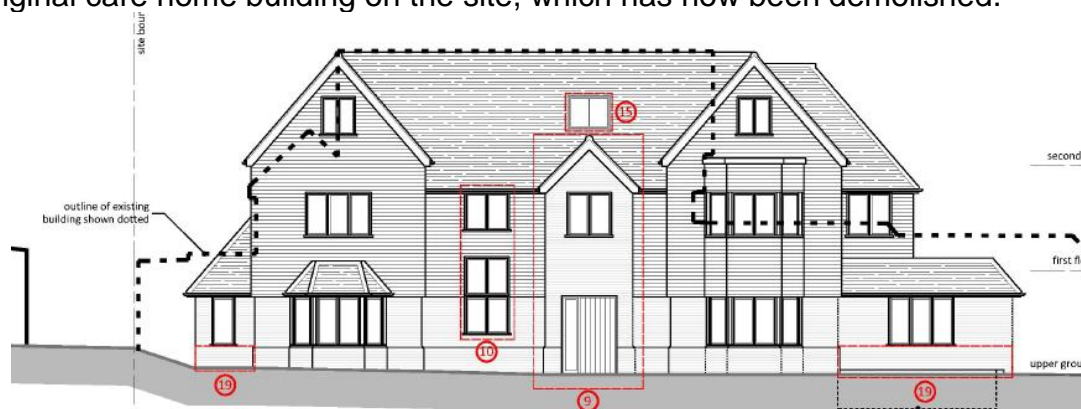


Figure 4 - North facing elevation as proposed.



Figure 5 - North facing elevation as approved under Y18/0215/SH



Figure 6 - South facing elevation as proposed.



Figure 7 - South facing elevation as approved under Y18/0215/SH

3.7 The building design would retain its asymmetrical appearance, as approved, in the street scene to the front elevation with two gable roofs which would be tile hung. Bay windows are proposed to one of the gable projections and would be 2-storey high and finished with a parapet roof. A two-storey square bay incorporating the entrance door is proposed which would be off-centre and a plinth brick feature is proposed to the buildings perimeter. The building would be set down slightly within the site and the single storey elements to the side would be similar to the neighbouring buildings which have single storey side projections. The overall ridge height of the building would be lower than both the neighbouring properties.

4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history for the site is as follows:

Y18/0215/SH	Demolition of existing building (former residential home) and erection of 8 new apartments with associated car parking and amenity areas (resubmission of application Y16/0866/SH).	Approved with conditions.
Y16/0866/SH	Demolition of existing building (former residential home) and erection of 9 new apartments with associated car parking and amenity areas. The application was dismissed at appeal.	Refused

5. CONSULTATION RESPONSES

5.1 The consultation responses are available in full on the planning file and are summarised below.

Hythe Town Council: Object on the grounds of the local objections and concerns regarding the enlargement of balconies and windows and that there may be a violation of policy BE12.

KCC Highways and Transportation: No objection subject to a condition requiring the permanent retention of the vehicle parking spaces prior to the use of the site commencing. An additional parking space is being proposed which will mean a total of 8 parking spaces are now being provided on site.

KCC Archaeology: No archaeological measures required.

Southern Water: The comments dated 23.08.18 remain unchanged and valid.

Comments dated 23.08.18 under Y18/0215/SH stated that a formal application for a connection to the public sewer would be required.

6. REPRESENTATIONS

6.1 17 neighbours directly consulted. 9 letters of objection received.

6.2 I have read all of the representations received. The key issues are summarised below:

Objections:

- Balconies doubled in size to 3m overlooking surrounding properties and dominating outlook.
- The increase in number of windows would increase overlooking.
- No privacy screens shown
- Contrary to policy SD1 which seeks to safeguard and enhance the amenity of residents and policy BE12 which seeks to ensure development does not harm the character of the area especially in relation to important skylines or a greater visual impact of buildings and proposals will only be permitted if design, scale, mass and architectural details blend with the character of the surrounding area/buildings.
- When viewed from Hythe town proposal would look like a huge modern block with many windows, out of character with the Edwardian houses on the skyline.
- Planning Inspector previously refused an application on the grounds of privacy, “this along with the number of large window openings and balconies, would mean that the existing occupiers of Quarry Cottage would experience an uncomfortable perception of being observed when using their outdoor space”. Little difference between current application and this refusal.
- Change from the sloping roof design to the more pronounced pitched design will further increase the size and bulk of the ground floor extension when viewed from the east of west elevations.
- Development as previously approved was too large for the site and this application is worse.
- Cars would have to back out of the parking spaces onto the busy hill.
- Development has started and there is disregard for the approved construction phase plan.
- Development creep.

6.3 Responses are available in full on the planning file on the Council’s website:

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

7 RELEVANT PLANNING POLICY

- 7.1 The Development Plan comprises the saved policies of the Shepway District Local Plan Review (2006) and the Shepway Core Strategy Local Plan (2013)
- 7.2 The new Places and Policies Local Plan Submission Draft (February 2018) has been the subject to public examination, and as such its policies should now be afforded some weight, according to the criteria in NPPF paragraph 48.

7.3 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019, as such its policies should be afforded weight where there are not significant unresolved objections.

7.4 The relevant development plan policies are as follows:-

Shepway District Local Plan Review (2013)

SD1 - Sustainable Development

BE1 - Layout, design, materials of new development

BE12 - Areas of Special Character

TR5 - Cycling facility provision for new developments

TR11 - Access onto highway network

TR12 - Vehicle parking standards

HO1 - Housing land supply

U2 - Five dwellings or more or equivalent to be connected to mains drainage

U4 - Protection of ground and surface water resources

U10a - Requirements for development on contaminated land

Shepway Local Plan Core Strategy (2013)

DSD - Delivering Sustainable Development

SS1 - District Spatial Strategy

SS2 - Housing and the Economy Growth Strategy

SS3 - Place-Shaping and Sustainable Settlements Strategy

SS5 - District Infrastructure Planning

CSD1 - Balanced Neighbourhoods for Shepway

CSD2 - District Residential Needs

CSD7 - Hythe Strategy

Places and Policies Local Plan Submission Draft (2019)

HB1 - Quality Places through Design

HB2 - Cohesive Design

HB3 - Internal and External Space Standards

C1 - Creating a Sense of Place

C3 - Provision of Open Space

T1 - Street Hierarchy and Site Layout

T2 - Parking Standards

T5 - Cycle Parking

NE7 - Contaminated Land

Core Strategy Review Submission draft (2019)

SS1 - District Spatial Strategy

SS3 - Place-Shaping and Sustainable Settlements Strategy

CSD4 - Green Infrastructure

- 7.5 The following are also material considerations to the determination of this application.

Government Advice

National Planning Policy Framework (NPPF) 2019

- 7.6 Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

Paragraphs 102 to 107 - Promoting sustainable transport.

Paragraphs 124 to 132 - Achieving well-designed places.

Paragraphs 178 to 183 - Ground conditions and pollution

National Planning Policy Guidance (NPPG)

Design: process and tools

National Design Guide October 2019

C1 – Understand and relate well to the site, its local and wider context

I2 – Well-designed, high quality and attractive

Paragraph 53 *'Well designed places are visually attractive and aim to delight their occupants and passers-by'.*

8. APPRAISAL

- 8.1 The application is a variation of the previously approved application Y18/0215/SH. The block of 8 flats has already been approved and therefore the principle is acceptable and only the changes proposed are for consideration in relation to the following criteria:

- a) Residential amenity
- b) Design and visual appearance
- c) Highways and transportation

a) Residential Amenity

- 8.2 Policy SD1 of the Shepway District Local Plan Review states that all development proposals should safeguard and enhance the amenity of

residents. Paragraph 127 of the NPPF sets out that decisions should seek to secure a high standard of amenity for existing and future users.

- 8.3 The closest residential properties are Nos.17 and 21 Hillcrest Road situated either side of the application site and Quarry Cottage sited at the bottom of the steep slope to the southern boundary of the application site.
- 8.4 The width of the proposal at lower ground floor remains at 22m wide and in the same position as the previously approved application. It is acknowledged that the first floor side projection would be extended further to the rear than previously approved, however, this would not extend any closer to No.21 than as previously approved and would be no taller, and as such, it is not considered that this would have any greater impact upon this neighbouring dwelling in terms of overshadowing or loss of light.
- 8.5 The two-storey rear projection (to the lower ground floor and upper ground floor) would be extended further to the rear than previously approved, and the balconies would be enlarged within the concealed flat roof. It is not considered that the additional 25cm in depth would have a sufficiently detrimental impact upon the neighbouring properties (Nos.17 and 21 Hillcrest Road) to warrant refusal on neighbouring amenity grounds.
- 8.6 The balconies to the rear would be enlarged in depth, however, privacy screens are proposed and would also be conditioned to ensure they are installed to the side of the balconies and as such there would be no greater impact in terms of loss of privacy to either No.17 or No.21 Hillcrest Road.
- 8.7 The additional windows to the upper ground floor to the east and west facing elevations would be obscure glazed and non-opening and as such would not cause loss of privacy to No.17 and No.21.
- 8.8 Regarding the neighbouring dwelling to the rear of the site, Quarry Cottage, although the proposals would move the rear two-storey projection 25cm closer to Quarry Cottage from that previously approved, as the building would be partially set within the site, the first floor would be at a similar level to that of the neighbouring properties No.17 and No.21 Hillcrest Road. The first floor and second floor of the proposed building would therefore be more visible from Quarry Cottage than the floors below. The two-storey rear projection would be positioned 25cm closer than previously approved and the balconies to units 06 and 07 on the flat roof of the two storey rear projection would also extend closer being enlarged from 1.5m in depth to 3m and increased in width from 4.6m to 5m. Although the balconies are proposed to be larger to the first floor, it is not considered to be such an increase that would result in a detrimental impact upon neighbouring amenity to Quarry Cottage, either on grounds of being overbearing or loss of privacy, sufficient enough to warrant refusal on amenity grounds. This is due to the distance between the properties and the fact that Redlynch is at a higher level on the hillside so views out are more likely to be over the top of Quarry Cottage towards the sea, rather than down into the garden and windows of that property. Similarly, the enlargement of the balconies to the second floor, within the roof slope and to serve Unit 08,

are not considered to be sufficiently detrimental to the amenity of Quarry Cottage.

- 8.9 As such, the proposals are not considered to have a negative impact in terms of overshadowing or loss of privacy to the neighbouring residential properties and as such are considered to be acceptable.
- 8.10 In terms of residential amenity for the future occupants of the apartments, all the apartments would be in excess of the minimum space standards as set out with policy HB3 of the PPLP and therefore a good standard of amenity would be achieved.
- 8.11 As part of the proposals Unit 02 would be enlarged to include an additional bedroom increasing the apartment to 3 bedrooms and a light well is proposed to ensure this bedroom would have daylight as well as an outlook onto the raised garden.

b) Design and Visual Appearance

- 8.12 The appearance of the scheme would be very similar to the previously approved scheme when viewed from Hillcrest Road, with only slight alterations to window positions, fenestration and the addition of a light well to the front, which wouldn't change the overall appearance of the scheme from that which has been previously approved.
- 8.13 From the rear, the building would also appear similar in appearance to the previously approved scheme. It is acknowledged that there would be more glazing to the rear rather than balustrading as previously approved, however, this is not considered to be a detrimental change in terms of the visual impact. In addition, the two-storey rear projection would be enlarged by extending an additional 25cm into the rear of the site and the roof form would change from a pitched roof with concealed balconies to a concealed flat roof, with a shallower pitch, and two larger balconies to the first floor. It is accepted that this change would be more visually prominent than the previously approved scheme, however, it is not considered that this would have a detrimental impact upon the character and appearance of the scheme as it would still relate to the whole building design and the flat roof would not be visible from wider views. The dormer windows to the roof slope would be enlarged, but there are separations of roof slopes between them, and as such they would not appear unbalanced or dominant in the roof slope and it is not considered that this would have a detrimental impact upon the character and appearance of the overall scheme.
- 8.14 The proposal would retain a similar ridge line to the care home building as did the previous scheme and the rear gable projection would be retained which was considered to be an important feature on the previously approved scheme to ensure it didn't have an overly dissimilar appearance to the previous care home building. Therefore the proposals, when considering the previously approved scheme and the previous care home building, would not result in harm to the existing character of the area by reason of either loss of existing

vegetation or by the proposal having a greater visual impact and as such would be acceptable in accordance with policies BE1, BE12, BE16 and HO1 of the Local Plan Review.

c) Highways and transportation

- 8.15 Kent Highways previously raised no objection to the scheme subject to conditions safeguarding visibility splays, a construction management plan, provision and retention of cycle and vehicle parking, measures to prevent discharge of surface water onto the highway and a use of a bound material for the first 5m of the access and parking and turning areas. This current proposal increases the parking provision by 1 space, increasing the number of parking spaces to 8 and Kent Highways still raise no objection to the scheme with sufficient parking proposed and the visibility splays being acceptable. Therefore there are no highway grounds for refusing planning permission.

Environmental Impact Assessment

- 8.16 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

- 8.17 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.
- 8.18 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 £111.15 per square metre for new residential floor space.

Human Rights

- 8.19 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.

Working with the applicant

8.19 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Public Sector Equality Duty

8.20 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.

8.21 It is considered that the application proposals would not conflict with objectives of the Duty.

9. Conclusion

9.1 The proposed changes from the scheme previously approved under Y18/0215/SH, are not considered to be so great that they would be significantly detrimental to neighbouring amenity, or that they would change the overall character and appearance of the development within the streetscene and the Area of Special Landscape Character from what was previously approved. As such, the application is recommended for approval with the same conditions as previously applied unless already discharged, in which case the details of those approvals would be conditioned. In addition, details of the underground pumping station which did not form part of the previous application but is now on site, following the start of development, would be conditioned to regularise the situation.

10. Background Documents

10.1 The consultation responses set out at Section 5.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

11. Recommendation

11.1 That planning permission be granted subject to the following conditions 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. Time
2. Materials
3. Construction Management Plan
4. Visibility splays
5. Parking and cycle parking
6. Surface water measures
7. Completion of bound access
8. Contamination
9. Obscure glazing
10. Privacy screens
11. Soil stability/latchgate
12. AOD levels and height of building
13. Details of pumping station to be submitted

