

Application No: 23/1172/FH

Location of Site: 120 High Street, Hythe, CT21 5LE

Development: Internal alterations & alterations to fenestration to provide 2 no. holiday lets. Amendment to existing approved single holiday let as approved as per applications 22/0497/FH & 22/0498/FH.

Applicant: Mr & Mrs N Bacon

Agent: Jim Smith

Officer Contact: Danielle Wilkins

SUMMARY

The report considers whether planning permission should be granted for proposed internal alterations to an approved scheme (reference 22/0497/FH) to increase the number of holiday lets from one to two. This would include the alteration to the approved fenestration and the installation of two no. windows, one no. roof light window and one no. entrance door.

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 because Hythe Town Council have objected to the scheme.

2. SITE AND SURROUNDINGS

2.1. The application site is within the defined settlement boundary of Hythe where the principle of development is considered to be acceptable. The site is also within the Hythe High Street and Conservation Area and an area of archaeological potential. The existing site plan is shown below in Figure 1:



Figure 1 – location plan

- 2.2. The application site comprises 120 High Street and associated outside space to the rear of the plot. The main building is a Grade II listed C18th timber framed building. 120 High Street was once a single large building which has since been subdivided into two properties. From the external appearance of the building including the steep pitched Kent peg tiled hipped roof and the large (but rebuilt) chimney, it is clear that while this is a significant medieval building, there has been significant rebuilding works and later extensions. The adjacent building, no. 122 (to the east), also has medieval origins, and it too has been extended to the rear with a large flat roofed single storey extension and beyond this to the south is a detached gabled two storey outbuilding.
- 2.3. An access path connects the rear yard of no. 120, to an access gate in Prospect Road.
- 2.4. The immediate site the subject of this application is the rear yard of no. 120 High Street.
- 2.5. A site location plan is attached to this report as **Appendix 1**.

3. PROPOSAL

- 3.1 Full planning permission is sought for the erection of a building containing two holiday lets, this is an amendment to 22/0497/FH, to increase the number of holiday lets within the approved building from one to two. This would include the addition of two no. windows within the east side elevation (one at ground floor and one at first floor), the installation of one additional roof light within the east side roof slope and one no. door also within the east side elevation. The block plan showing the relationship between the building and its neighbours is shown at figure 2.

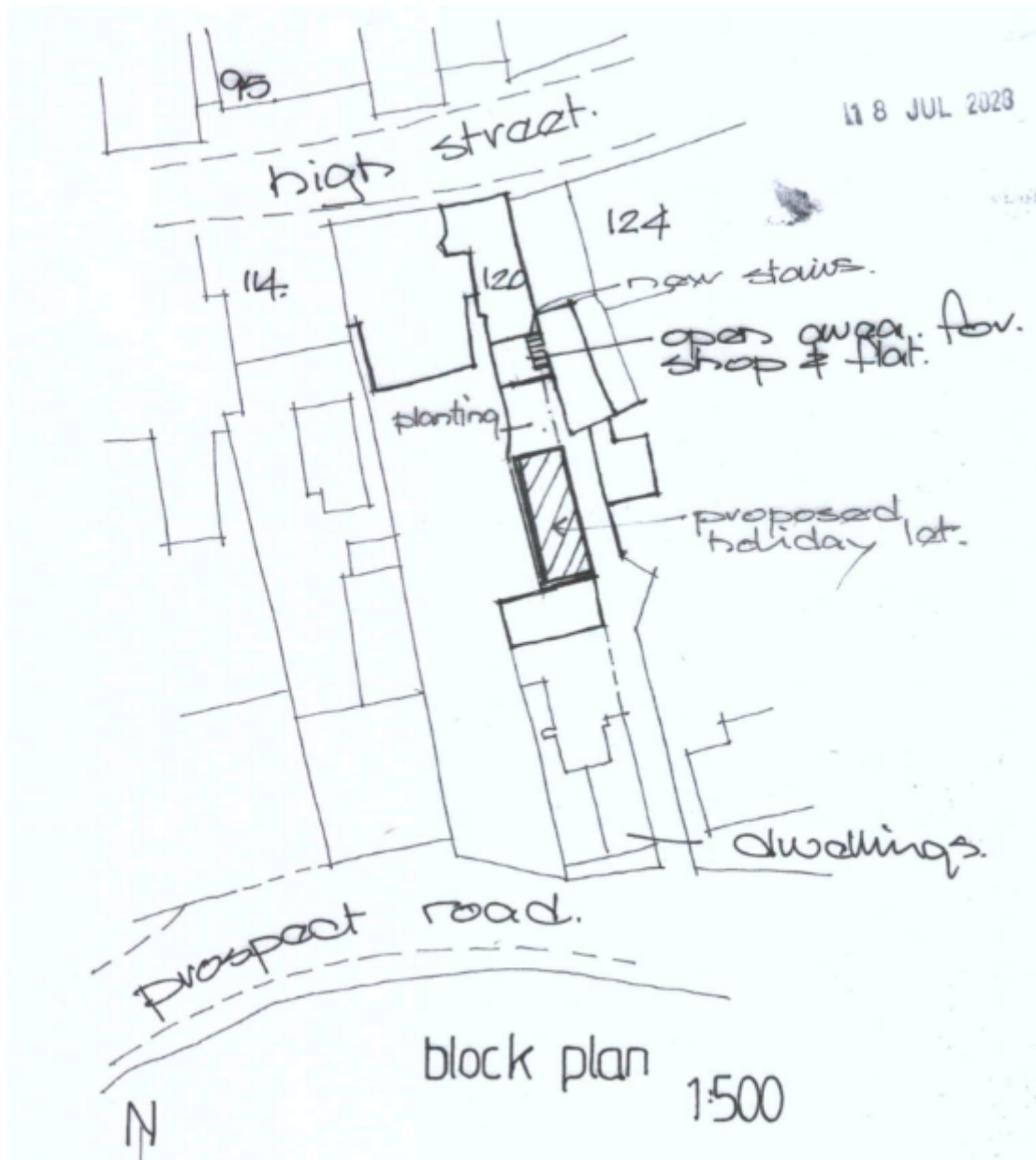


Figure 2 – proposed block plan

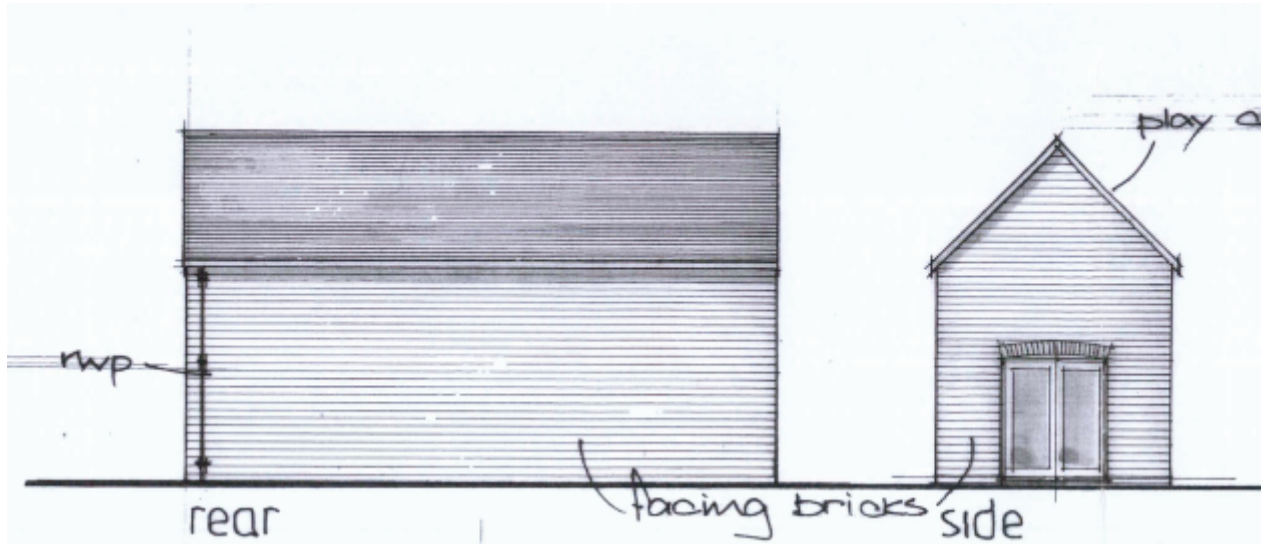


Figure 3 – proposed rear (west) and side (north) elevations

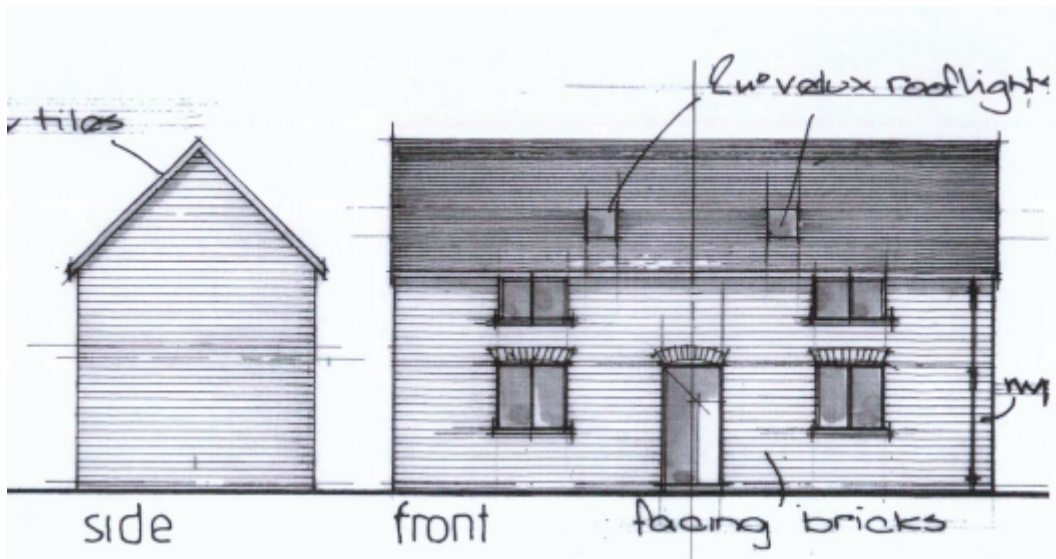


Figure 4 – proposed front (east) and side (south) elevations

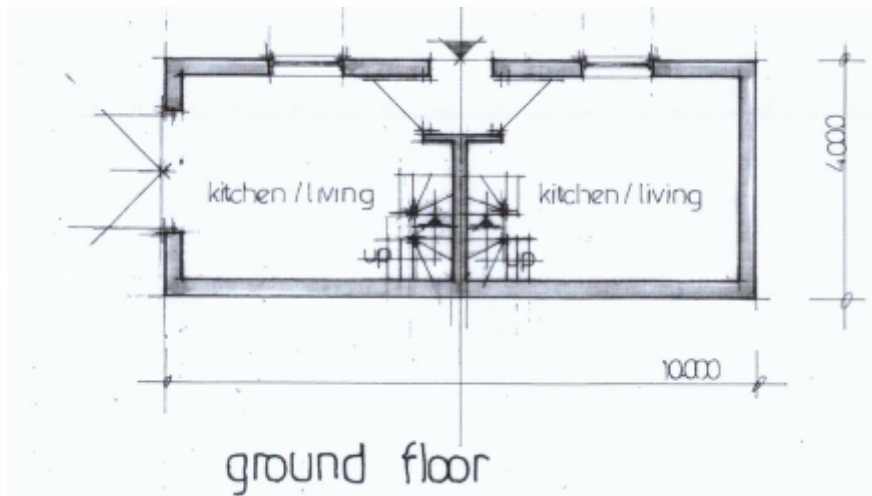


Figure 5 – proposed ground floor plan

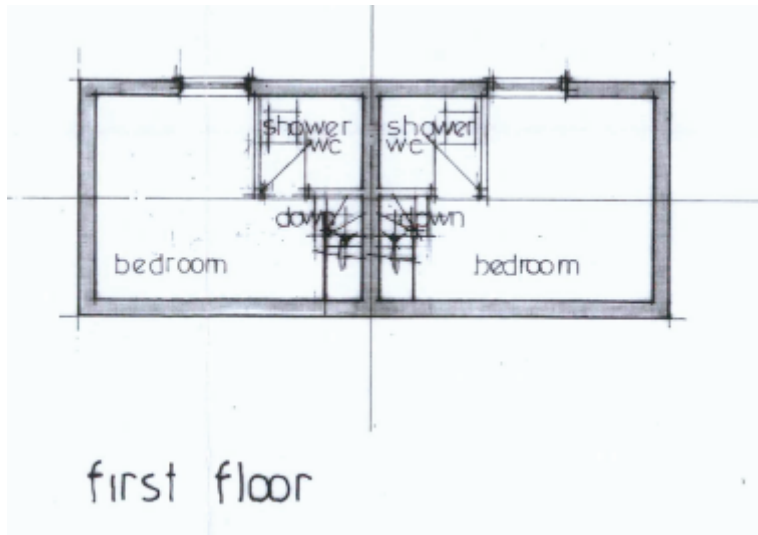


Figure 6 – proposed first floor plan

4. RELEVANT PLANNING HISTORY

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

23/0720/FH/NMA	Non-material amendment to planning permission 22/0497/FH to allow for small enlargement of holiday flat.	Approved
22/2114/FH/NMA	Non-material amendment to planning permission 22/0497/FH Demolition of single storey extension and installation of new external staircase including alterations to provide self-contained accommodation & erection of new detached holiday let at rear to allow for enlargement of holiday let and sub-division to create two units.	Refused
22/0498/FH	Listed Building Consent for demolition of single storey extension and installation of new external staircase including alterations to provide self-contained accommodation. Erection of new detached holiday let at rear.	Approved with condition
22/0497/FH	Demolition of single storey extension and installation of new external staircase including alterations to provide self contained accommodation. Erection of new detached holiday let at rear.	Approved with condition

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Hythe Town Council:

Hythe Town Council have objected to the proposal on the grounds that there is inadequate information within the planning application, that the proposal is over intensive and gives rise to overlooking concerns. The proposed holiday let does not show any toilet facilities and there are access and egress issues due to the narrow road. Concerns have also been raised in regard to the demolition and damage to a historic building in Hythe.

KCC Highways and Transportation:

No comments to make on application.

Local Residents Comments

5.2 19 neighbours directly consulted. 1 letters of objection, 0 letters of support received and 0 letters neither supporting nor objecting to the application.

5.3 I have read all of the letters received. The key issues are summarised below:

Objections

- Proposed building height significantly taller than adjoining building
- Overlooking concerns
- Application form missing details
- Waste facilities unknown
- Access to the lane would be prohibited during construction
- A large birch tree would require removal before construction begins

5.4 Ward Member

No comments received.

5.5 Responses are available in full on the planning file on the Council's website:

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

6. RELEVANT PLANNING POLICY

6.1 The Development Plan comprises the Places and Policies Local Plan 2020 and the Core Strategy Review Local Plan 2022.

6.2 The relevant development plan policies are as follows:-

Places and Policies Local Plan 2020

HB1 – Quality Places through Design

HB3 – Internal and External Space Standards

E3 – Tourism

E8 – Provision of Fibre to the Premises

RL1 – Retail Hierarchy

RL3 – Hythe Town Centre

T2 – Parking Standards

T5 - Cycle Parking

CC2 – Sustainable Design and Construction

HE1 – Heritage Assets

HE2 – Archaeology

Core Strategy Local Plan (2022)

SS1 – District Spatial Strategy

SS3 – Place-Shaping and Sustainable Settlements Strategy

CSD7 – Hythe Strategy

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

Government Advice

National Planning Policy Framework (NPPF) 2023

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.

Paragraph 108 – Development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or if residual cumulative impacts on the road networked would be severe.

Paragraph 119 – Making effective use of land

Paragraph 127 -130 – Achieving well designed places

Paragraphs 194 to 197 – Proposals affecting heritage assets.

- 6.4 The Planning (Listed Buildings and Conservation Areas) Act 1990. Section 16(2) of the Act requires special regard to be had to the desirability of preserving the Listed Building or its setting or any special architectural or historic features it possesses. Therefore, the main issue in the consideration of the proposals is the effect of the works on the architectural or historic interest of the Listed Building and any adjacent listed buildings. As the application site is within the Hythe Conservation Area, the requirements of section 72 (1) of the same legislation, namely the desirability of preserving or enhancing the character or appearance of that area, must also be observed.
- 6.5 The NPPF sets out that planning should be achieving sustainable development, defined as having economic, social and environmental dimensions (para 8), with the role of planning to include protecting and enhancing the historic environment. Paragraph 8 identifies that economic, social and environmental gains should be sought jointly and simultaneously, with heritage assets conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 6.6 Paragraph 202 sets out that where a development proposal will lead to less than substantial harm to the significance, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. As such, the NPPF acknowledges that harm to the listed building designated heritage assets may be acceptable if outweighed by public benefits. It is important to clarify that preservation in this context means not harming the interest, as opposed to keeping it utterly unchanged, so some change may be accommodated.

7. APPRAISAL

7.1 In light of the above the main issues for consideration are:

- a) Principle of development and sustainability
- b) Design/layout/visual amenity
- c) Residential amenity
- d) Archaeology
- e) Heritage
- f) Highway safety

a) Principle of development and sustainability

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- 7.2 The principle of a holiday let in this location has already been established through the granting of 22/0497/FH which permitted the development of one holiday let to the rear of 120 High Street, Hythe.
- 7.3 In any case, the application site is within the defined settlement boundary of Hythe, a town centre location, where the principle of development is accepted providing that it delivers high-quality residential, business, service, retail and tourist centre for the district, in accordance with Core Strategy Policy CSD7.
- 7.4 Policy SS3 of the Core Strategy states that development within the district is directed towards existing sustainable settlements
- 7.5 As the site is located within Hythe Town Centre, the proposal must also be assessed against policy RL3, which states that planning permission will be granted for development that provides for a range of town centres uses that adds to the vitality and viability of the town centre.
- 7.6 NPPF Paragraph 86(f) considers that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites.
- 7.7 In this respect 120 High Street would retain its ground floor retail frontage while also providing residential accommodation to the upper floors and a holiday let to the rear. Given its town centre, sustainable location; this is considered to be acceptable and as such there are no objections to the principle of the application.

b) Visual amenity

- 7.7 The site is situated within the Hythe Conservation Area, as protected by policy HE1 which seeks to grant permission for proposals which promote an appropriate and viable use of heritage assets, consistent with their conservation and their significance.
- 7.8 Policy HB1 of the PPLP states that planning permission will be granted where the proposal makes 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, materiality and mix of uses so as to ensure all proposals create places of character.
- 7.9 Policy HB8 of the PPLP adds that alterations and extensions should seek to reflect the scale, proportions, materials, roof line and detailing of the original building and not have a detrimental impact on the street scene, either by themselves or cumulatively.
- 7.10 The proposed detached outbuilding would be sited to the rear of the application building with limited views from the public realm via the narrow highway to the rear, Prospect Road. It would be similar in appearance to the existing building Rear 10, Prospect Road and would be finished in materials that match the host building and would be subservient to it in terms of scale. It is therefore considered that the proposal would accord with the character and appearance of the local area by virtue of its traditional vernacular form. Whilst the proposal would introduce new development into a part of the site that is not currently developed, it would have a negligible impact upon the visual character of the conservation area and would sit comfortably within the existing built form.

c) Residential amenity

7.11 The proposed one and a half storey holiday let would not include any windows in the first floor of the north, west or south elevations that would introduce any overlooking to neighbouring residents. Two roof light windows and two first floor windows are proposed in the east elevation facing the rear of 122 High Street, 8A Prospect Road and building to the rear of 10 Prospect Road. The proposed windows would look onto the flank elevation of the building known as 10 Prospect Road and would introduce some overlooking of the space to the front of this building. However, it was evident from visiting the site and from aerial photographs that this area is used predominantly as car parking (as can be seen in figure 7 below).



Figure 7 - aerial photograph

7.12 The proposed holiday lets would create approximately 32sqm of residential floorspace, this falls short of the requirements for a two storey, two-person, one bedroom dwelling as set out in policy HB3 of the Place and Policies Local Plan. Whilst the application would result in a two-storey building providing accommodation, it is considered that in this instance the proposed floorspace would be acceptable as there are no standards for holiday lets, where slightly less space is usual compared to full time residence. The occupancy would also be restricted by planning condition to ensure they remain as tourist accommodation. A small, private garden is proposed to one of the holiday lets that would not meet the required 10m depth as stated in policy HB3 (for a permanent

residential unit) however, as stated in the policy, exceptions can be made for sites within Conservation Areas.

7.12 It is therefore considered that the proposal would not result in any adverse impact on the amenity enjoyed by neighbouring residents and would not negatively impact upon the amenity of future visitors to the application site.

d) Archaeology

7.13 The site lies within an area of archaeological potential, KCC archaeology were consulted and have confirmed that it is unlikely that the works would have a significant impact and confirmed they have no objections to the proposal. As such the application is considered to be acceptable in this respect.

e) Heritage

Alterations to the fabric of a listed building

7.14 No works are proposed within this application that would directly affect the fabric of the Listed Building, as these works have been approved under applications 22/0497/FH and 22/0498/FH.

Alterations to the setting of listed building

7.16 The proposed holiday lets would be located to the rear of the main building where there is sufficient space to suitably accommodate a proposed building of this size and scale without appearing cramped or dominating the listed building or affecting its setting in a detrimental manner, an aspect of this proposal that was previously approved at Planning and Licensing Committee. The proposed building is no larger than that previously approved and given that this is an area that contains a variety of outbuildings in similar locations, it is not considered that the proposal would harm the setting of the listed building. As such there are no objections to the application on these grounds.

Conservation Area

7.16 In respect of the Conservation Area, the views of the application site from the High Street will be unaffected by the proposals. From Prospect Road, views northward toward the rear of the main building, via the garden area, are obscured by the narrow passageway serving the application site, with views of the proposed holiday lets less visible. However, as set out in paragraph 7.10 above, the proposed design, scale, material and architectural detailing will mean the building would have no detrimental impact in terms of character. It is therefore considered that the proposal meets national and local policy, and as a result are deemed to be acceptable.

7.17 The siting, form, scale, design and materials of the proposed building remain the same as the previously approved building. The amendments proposed here are limited to the change in internal layout and to the number and positioning of window and door openings. Therefore the impact arising from the changes proposed here would not have any impact over and above the building already considered acceptable.

f) Highways

7.18 There is no existing off-street parking available for the site and while the proposal would result in the creation of two no. one bedroom holiday lets, the site is within a town centre location, with excellent public transport links and public car parks located close by. It is therefore considered that in this instance, the lack of any off-street parking is not a sufficient reason to warrant a refusal on this basis alone. There are therefore no objections to the proposal on these grounds.

Environmental Impact Assessment/

7.19 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

7.20 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.

7.21 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 £125.88 per square metre for new residential floor space.

Human Rights

7.22 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

7.23 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

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- 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.

Working with the applicant

7.24 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..

8. CONCLUSION

8.1 The proposal is considered to be acceptable and would not cause harm to the special character and appearance of the conservation area. All other material considerations are considered to be acceptable in terms of residential amenity, visual amenity, highway safety and archaeology, subject to the conditions set out at the end of this report.

9. BACKGROUND DOCUMENTS

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

10. RECOMMENDATIONS

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.

Conditions:

1. The development must be begun within three years of the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

DS/2310a
DS/2310/50

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development.

3. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to

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and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

4. The holiday accommodation hereby permitted shall only be used for bona fida holiday purposes and shall not be used by any person or group of people for more than one month in any three consecutive months.

Reason: Permission has only been granted on the basis that the accommodation will be for short stay holiday visitors in accordance with policies SD1 and TM1 of the Shepway District Local Plan Review.

5. Details of the facilities for storage and collection of refuse shall be submitted to and approved in writing by the local planning authority before the first occupation of the development hereby permitted, and the approved scheme shall be implemented in full and shall be maintained as such thereafter.

Reason: To ensure adequate means of refuse collection in the interests of the amenities of residents

6. The holiday lets hereby approved shall not be occupied until details of covered bicycle parking spaces for each holiday let have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that facilities are available for the parking of bicycles so as to encourage access to the site by means other than private motor car.

Appendix 1 – Site Location Plan