

Application No: Y16/0860/SH

Location of Site: Willow Cottage Cannongate Road Hythe Kent

Development: Construction of a new house following demolition of existing house.

Applicant: Mr & Mrs Hunt
Lacton Farmhouse
The Street
Willesborough
Ashford
Kent
TN24 0NA

Agent: Mr K Barker
Keith Barker Design
25 Lucy Avenue
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Kent
CT19 5UF

Date Valid: 02.08.16

Expiry Date: 27.09.16

Date of Committee: 20.12.16

Officer Contact: Mrs Wendy Simpson

RECOMMENDATION: That planning permission be refused for the reasons set out at the end of the report.
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1.0 THE PROPOSAL

- 1.1 This application seeks planning permission for the construction of a new house and alterations to the existing detached garage following demolition of existing house.
- 1.2 The proposed house is in part 2 storey - laid out in an L-form and with a single storey element across the whole rear of the house that would also allow for a terrace to be provided on its roof. The palette of materials is such that the two storey element of the house would be of timber weatherboard (painted), the single storey rear element finished in white render, the roof in natural slate and utilising aluminium powder coated fenestration. The roof terrace and front balcony will use glazed balustrades. The rear elevation of the property will also be rendered with the creation of a small flat roof area to the main building rear roof slope to allow for the rendered panel to extend above the main roof eaves.
- 1.3 The proposed house remained unchanged from the previous application (Y16/0359/SH- Refused 15.06.2016) as first submitted, other than a small

fenestration change. In the latter part of the determination period the applicant then submitted a revised drawing showing the external finish with the lower part of the main body of the building being rendered with a brick plinth. The brick plinth does not continue around the rear projection, which is also rendered.

- 1.4 The proposal will allow for the creation of a house with a lounge, dayroom, kitchen, study with associated shower room, hall with stairs and WC, dining room and utility room with a second staircase to a first floor room. The staircase would lead to a music room with associated shower room that is not integrated with the rest of the first floor level accommodation. Further space at first floor level provides 4 bedrooms and various bathrooms and a dressing room.
- 1.5 The roof terrace can be accessed through the building or from an external staircase to the garden.
- 1.6 Although the description of the works on the application form refers to a detached garage, the garage that was previously proposed as part of the previous application has now been deleted from the application. As such reference to the construction of a detached garage has been removed from the description of the proposed works. The proposal does however involve the removal of an existing single garage and the provision of parking/turning area.

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 The application site is within the urban boundary of Hythe and on the northern side of Cannongate Road. The property is one of three dwellings that are accessed off a private lane spurring off Cannongate Road. The application site does not have any boundaries meeting the public highway but is between the properties 'The Brambles' to the south and 10 Cliff Road to the north.
- 2.2 Cannongate Road demonstrates a mixture of single family dwellings and a lesser presence of flats. The existing property is a single family dwelling, in an 'Arts and Crafts' style with tall chimneys and a steeply pitched roof of some character.
- 2.3 Within the front garden area of the site is a brick built double garage, a single garage, a wooden shed and parking hardstanding for a number of vehicles.
- 2.4 The site falls within an area designated as an Area of Special Character which in this locality is characterised by large expanses of woodland and properties set within spacious grounds.
- 2.5 In addition to being sited within a designated Area of Special Character the property is also shown on the Local Plan maps to be within an Area of Archaeological Potential and an area of land instability.

3.0 RELEVANT PLANNING HISTORY

Y16/0359/SH Construction of a new house and detached garage following demolition of existing house. (Refused 15.06.2016)

83/1263/SH Erection of a detached garage (Approved (01.03.84)

4.0 CONSULTATION RESPONSES

4.1 Hythe Town Council

No Objection

4.2 Building Control Officer

This application will need the Latchgate condition applied

4.3 Environmental Health

With reference to this application Environmental Health make the following recommendations:

1. Prior to commencement of the development a desk top study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.
2. If a desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:
 - (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to:
 - Human health;
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Ground waters and surface waters,
 - Ecological systems,

- Archaeological sites and ancient monuments; and
- (iii) An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

3. If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.
4. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.
5. In the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local

Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors [Kent and Medway Structure Plan Policy NR5 and Dover District Local Plan Policy DD1].

Informative: Planning Policy Statement 23: Planning and Pollution Control states that: In considering individual planning applications, the potential for contamination to be present must be considered in relation to the existing use and circumstances of the land, the proposed new use and the possibility of encountering contamination during development. The LPA should satisfy itself that the potential for contamination and risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to deal with unacceptable risks, including those covered by Part IIA of the Environmental Protection Act 1990.

4.4 KCC - Archaeology

In this instance I would suggest that no archaeological measures are required.

5.0 PUBLICITY

5.1 Neighbours notified by letter. Expiry date 26.08.2016

5.2 Site Notice. Expiry date 08.09.2016

6.0 REPRESENTATIONS

6.1 No letters/emails received.

7.0 RELEVANT POLICY GUIDANCE

7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.

7.2 The following policies of the Shepway District Local Plan Review apply:

SD1, HO1, BE1, BE12, BE19, TR5, TR11, TR12, U10a

7.3 The following policies of the Shepway Local Plan Core Strategy apply:

DSD, SS1, SS3, CSD5

7.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework (particularly paragraphs) :

9, 14, 15, 17, 32, 56, 57, 58, 103, 120, 121

8.0 APPRAISAL

Background –

8.1 In June 2016 a very similar proposal was refused planning permission under application Y16/0359/SH (Construction of a new house and detached garage following demolition of existing house) for the following reason:

“The proposal will result in a detrimental impact to the special environmental quality of the Area of Special Character, in which the site is located, by virtue of its size and location within the plot. The scale, design, and use of materials in the proposal do not respond to the local surroundings, local materials or character of the area and overall the proposed dwelling is of a bulky and incoherent appearance with the use of contrasting material, no single architectural language and with piecemeal and unrelated architectural features. The proposal is contrary therefore to saved policies BE1 and BE12 of the Shepway District Local Plan Review, policy DSD of the Shepway Core Strategy and paragraphs 9, 17, 56, 57 and 58 of the and the principles of the National Planning Policy Framework.”

8.2 Subsequent to the issuing of that decision the applicant submitted the current application of the same proposal again, just with a minor fenestration change and deletion of the garage element.

8.3 During the latter part of the consideration period of this application the applicant has submitted a revised proposal amending the external finish so that the lower part of the main building is to be rendered with a brick plinth.

Principle

8.4 The site is located within the built up area boundary where new development is generally acceptable in principle. Saved policy HO1 of the Shepway Local Plan Review permits housing on previously developed sites or infill within urban areas. The scheme falls within the urban boundary and therefore the proposal is considered to be acceptable in basic principle.

Sustainable Development/Drainage

- 8.5 At a national level the National Planning Policy Framework [NPPF] presumes in favour of sustainable development (unless harm will result from the proposal) as does policy DSD of the Shepway Core Strategy and policy SD1 of the Shepway Local Plan Review.
- 8.6 Being located within the urban boundary of Hythe and close to main bus routes and local amenities, it is considered that the proposal is in a sustainable location.
- 8.7 In term of water sustainability, policy CSD5 of the Shepway Core Strategy in part requires that all developments should incorporate water efficiency measures. The policy states development for new dwellings should include specific design features and demonstrate a maximum level of usage should be of 105 litres per person per day or less. This usage level figure is adjusted to 110 litres per person per day under the guidance of Building Regulations Approved Document G (which came into effect in October 2015). This can be controlled by planning condition and no objection is raised in respect of this element of policy CDS5 of the core strategy.
- 8.8 Policy CDS5 also required that new buildings must not increase water runoff from the site above that of the existing water runoff rate and the use of Sustainable Drainage Systems (SUDs) should be incorporated into the development.
- 8.9 The current proposal would seek to drain both foul sewerage and rain water to the main sewer. As the proposal is for a single dwelling (and is a replacement dwelling) it is considered this is an acceptable option.

Area of Special Character

- 8.10 The application site falls within an area identified on the local plan as being a designated Area of Special Character [ASC], which is protected under policy BE12 of the SDLPR. In this locality the ASC is characterised by large expanses of woodland and properties of a traditional design set within spacious grounds. The application site is located on the slopes of the escarpment stretching between west Hythe and Folkestone and sets a backdrop to Hythe town when seen from more distant views to the south, especially from the coast road, Princes Parade.
- 8.11 Policy BE12 reads:

"Planning permission for further development within the following Areas of Special Character as defined on the Proposals Map will not be granted if the development will harm the existing character of that area, by reason of either a loss of existing vegetation, especially in relation to important skylines; or a greater visual impact of buildings:

Where sites are allocated for development within these areas, proposals will only be permitted if the design blends in terms of scale, mass and architectural details with the character of the surrounding area."

- 8.12 It has been noted recently by an inspector at appeal that the BE12 policy does not make reference to the pattern of garden layouts being a significant factor in the environmental quality of such areas. In the same assessment the inspector also noted that 'the policy does not...seek to prevent any additional visual impact or loss of vegetation but only where that would result in a detrimental or harmful effect to the existing character of that [ASC] area.' In light of the inspectors assessment of that case, which was issued after the refusal of the previous application on the current site, the inspector's conclusions are taken on-board in the current assessment and the increased scale of the proposed replacement building, although covering a larger proportion of the site than the dwelling, on balance is not considered to harm the specific characteristics of the area of special character. As such, this does not contribute to a reason for the refusal of the proposal.
- 8.13 No objection to the proposal is raised under saved policy BE12 of the Shepway District Local Plan Review.

Design and Appearance

- 8.14 The NPPF and saved local plan policy BE1 require new residential development to deliver high quality housing in term of the appearance of the development, ensuring that the development density is appropriate for its location, the impact on the street scene and character of the area and also the functionality and layout of the development design. Paragraph 9 of the NPPF seeks positive improvements in the quality of the built environment (in part) by the 'replacing poor design with better design'. Para 56 of the NPPF says that 'good design is a key aspect of sustainable development'. Para 57 and 58 refer to high quality and inclusive design, that is visually attractive as a result of good architecture and appropriate landscaping, that adds to the overall quality of the area and responding to local character and history and reflecting the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.
- 8.15 Cannongate Road is a residential area containing a mixture of single family dwellings and a lesser representation of flats. The prevalent building design within the street is of a more traditional palette of materials and form with an 'Arts and Crafts' type architecture being prevalent with buildings set within a trees and wooded areas.
- 8.16 The Cannongate Road area has significant presence within longer distance views from the coast as the escarpment on which it is situated is seen to form a backdrop to the eastern end of Hythe Town. The traditional style dwellings, with the use of brick, clay tiles and hipped roofs, blend well into the wooded escarpment and appear nestled within the hillside.
- 8.17 The application property itself is within a more unusual situation for properties in Cannongate Road as the site is located along a short private road and between properties fronting Cannongate Road and Cliff Road. Although its presence is not very apparent within the wider street scene, from the public roads, the existing house is of a scale and design that is

consistent with the local character of the area and reflects the identify of local surroundings and materials.

- 8.18 It is noted that the adjacent property to the eastern side, 'Woodpeckers', was recently extended on all sides and above from a modest brick built bungalow of an uninspiring 1950s appearance. The original bungalow is now not apparent other than the top of a tall chimney stack (as the design has significantly changed) and the extensions have resulted in extensive building of an overall contemporary appearance (planning permission Y13/0194/SH). Within the short private drive in which it is located, and from the application site, this extended dwelling appears to be somewhat large, elongated and out of character to the area in its use of materials, which in the Cannongate Road area is generally of a more traditional palette of bricks and tiles. However, in the design of the extended dwelling at Woodpeckers, whilst the overall footprint has been significantly increased, the design approach was such that the resultant dwelling retains a tall chimney and is composed of various 'wings' or 'projections' of differing heights and planes and the first floor accommodation is within steeply pitched roofs. All of these elements help to ameliorate the overall scale and bulk of the building.
- 8.19 To the western side of the application site is a dwelling, Marjorome, again of a traditional appearance with an Arts and Crafts influence apparent. This dwelling utilises traditional materials, varying roof pitches, catslide roof, a small dormer and multiple tall chimneys. This property is set within expansive gardens with mature planting.
- 8.20 The proposed dwelling the subject of this application will notably occupy a much larger proportion of the site than the existing modest, traditionally styled dwelling on the site. It is notable also on the applicant's drawing, showing the proposed front and rear elevations of the proposed dwelling together with those of the adjacent extended dwelling 'Woodpeckers', how much larger and bulkier the proposed dwelling will be in comparison to 'Woodpeckers' even. It is also noted that there is no reference to the existing building within the proposal design nor does the design appear to take reference from other dwellings within the context of which it will be seen. Furthermore the design and palette of materials proposed appear not to take reference from the traditional design of buildings that more widely characterises Cannongate Road.
- 8.21 As originally submitted the two storey part of the building was to be entirely timber clad (painted 'dusty grey') with a natural slate roof, which is a far more 'rural' approach for a detached dwelling than an urban approach, particularly when seen in combination with features of the design such as an overshot upper storey, which is more of 'medieval' dwelling feature, and historic pattern casement windows at lower floor level and the pillared support of the porch feature.
- 8.22 In the latter stage of the assessment period the applicant has amended the design of the two storey part of the building so that the lower part is to be rendered and painted ('quartz grey'), over a brick plinth. Windows are to be aluminium powder coated white on this part of the building. The single storey

rear projection element however is then of a smooth painted (white) render finish to the ground, with no brick plinth and with a large roof-top balcony and glazed balustrade. This part of the building is of a much crisper and more contemporary design approach, with a throw-back to 1930s architecture using a curved balcony and stacked glass bricks as a feature in the flank rendered wall. To the south eastern side the rendered wall will extend to eaves level of the main house to create a screen wall also. The rendering of the rear elevation of the house incorporates the creation of a small flat roof area off the main roof slope, and the rendered 'panel' projects above the main roof eaves creating a parapet wall. The windows are detailed as being aluminium powder coated grey on the rear elevation, including flanks. The side elevations will feature some aluminium powder coated white windows whilst others are identified as being aluminium powder coated grey – a mix on the same elevation. It is very difficult to understand any reference to the surrounding area in the use of materials being proposed in this build overall and there is no uniformity of the use of materials in the proposed dwelling itself.

8.23 Overall the scale and mass of the proposed dwelling is considered to appear large, bulky and somewhat boxy and, further to the inconsistent and varied approach to the use of materials in this case, there is also little coherence between the design of the various parts of the building or between the various architectural features and details used.

8.24 The two-storey, part timber-clad/part painted render, front part of the proposed house utilises many architectural features:

- brick plinth;
- overshoot upper storey (on some but not all of the front part of the building);
- two storey front projection on one side with a gable end;
- shallow-sloping dual hipped roof pitches off the gable end of the front projection at first floor level (from part way down the gable);
- patio doors at first floor level leading out to a recessed, front balcony with glazed balustrade;
- a further projecting first floor feature window supported on pillars over the entrance door;
- first floor feature window with vertical emphasis, horizontal divisions and semi-circular top;
- a round window over the first floor patio doors;
- windows with a 'heritage' casement pattern at ground floor level under the overshoot upper storey;
- (as a whole some windows with vertical divisions and some with horizontal divisions of different sizes);
- low roof eaves on the main roof so some first floor windows project above eaves level with eaves cut out around them. (These appear to be incorrectly detailed/missing on the north western elevation drawing provided);
- barn hip to the main dwelling roof on the western side of the roof;
- full hip to the main dwelling roof on the eastern side of the roof;

- a 'skylight' roof above ridge height bridging over the front and rear roof planes.

8.25 The front section of the proposed dwelling is proposed to have many varied features - some of a very 'historic' reference and others of a much more contemporary reference. Together they appear eclectic and numerous and not visually harmonious. The dwelling appears 'muddled' and with the bulky and boxy portions it is not considered to present high quality housing in terms of its aesthetic.

8.26 The rear projection of the dwelling is of a completely different design approach again. The scale of this rear part of the building is significant with:

- the rear projection offset to the front part of the house and not centrally balanced;
- the external materials are white render finish to the ground (no brick plinth);
- a flat roof is used which then provides a large roof terrace with an external staircase down to the garden;
- the roof terrace sweeps round in a curve and overshoots the building below, which has an inverse curve of a glazed doors;
- in part glazed balustrades are proposed for the roof terrace (some 1.8m high, some 1.1m high, some clear glazed, some obscure glazed);
- in part extended height rendered walls (some incorporating stacked glass bricks) are used for the screening of the roof terrace, to a height extending above the eaves level of the main dwelling roof;
- a rendered 'panel' against the rear elevation of the front part of the house, which extends significantly above the eaves level of the main dwelling roof. (However there is a discrepancy on the drawings with the freestanding 'gable' feature shown on the rear elevation drawing missing from both the north western and south eastern elevation drawings);
- the rear part of the building would project past the south eastern flank of the front part of the dwelling and would be seen from the front of the house. This sideways projecting element is shown on its front elevation to be finished in white render up to eaves level;
- the rear part of the dwelling is to have grey frames aluminium windows/door of contemporary proportions, dimensions and number.

8.27 Rather than the rear part of the proposed dwelling integrating in its design approach and materials palette with the front part of the proposed dwelling it very sharply contrasts. The change from the one design approach to the other on this single building appears stark and contrived. The rear part of the house appears as a completely alien addition to the front part of the house.

8.28 Overall it is very apparent that there is no single, holistic, architectural language to the design of the proposed dwelling. The resultant building appears overly large within its setting, bulky and boxy. It also appears very confused with the front and rear parts of the building in complete contrast to each other visually and with many disparate and diverse architectural features and details all in close proximity to each other, and none seeming to

have been drawn from the architectural language of the area in which the site is located.

- 8.29 In this case it is considered the proposed house fails to achieve high quality design in itself or respond to local character or materials and it would not replace '*poor design with better design*'. The proposal is considered to be harmful to the established pleasant residential character of this area, which predominantly comprises of dwellings of significant traditional styling, materials and detailing in well proportioned, mature, green plots.
- 8.30 The proposed dwelling is not considered to achieve the NPPF guidance requirement that new development '*that adds to the overall quality of the area and responding to local character and history and reflecting the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.*' Objection is raised to the proposal under both national and local guidance and policy.

Amenities

- 8.31 Policy SD1 of the Shepway Local Plan Review and the NPPF (paragraph 17) require that consideration should be given to the residential amenities of both neighbouring properties and future occupiers of a development.

8.32 Amenities of Future Occupiers

- 8.33 In this case the size of the unit is considered to be acceptable for the proposed number of occupants of the unit.

- 8.34 There is a slight oddity in the internal layout that provides a 'music room' with an associated shower room at first floor level is accessed only by a dedicated spiral staircase from the 'utility room', which can be directly accessed from the outside through the side door. The layout would not allow the first floor space to become integrated into the main living accommodation at first floor level at a later date. This layout could allow an occupier to create a small separate unit to the main dwelling space.

8.35 Amenities of Neighbours

- 8.36 The fairly bare flank elevations and the various balcony and roof terrace screens will not allow overlooking of the adjacent dwellings 'Woodpeckers' and 'Marjorome', although there will be some overlooking as users of the roof terrace use the external staircase. This is not considered to be significant enough to warrant a refusal of permission.

- 8.37 To the south the land levels fall away and the property on that side is tree-covered with many trees the subject of a tree preservation order. There will be no overlooking of neighbours to the south.

- 8.38 To the north are the rear gardens of dwellings in Cliff Road. Again there are a number of protected trees along the rear boundary of the Cliff Road

dwellings and the proposal will not result in a loss of privacy to Cliff Road dwellings.

8.39 Due to the relative location of the neighbouring dwellings within the various surrounding plots the proposal will not result in a loss of daylight to neighbours windows nor will the proposed house dominate the outlook from those neighbouring houses.

8.40 Due to the orientation of the dwellings in the area the proposal will not result in overshadowing of an extent or duration that would harm neighbours' amenities.

8.41 No objection is raised under policy SD1 of the Shepway Local Plan Review, policy DSD of the Shepway Core Strategy or paragraph 17 of the NPPF.

Parking/Highway matters

8.42 Policy TR12 of the SDLPR relates to vehicle parking standards. Policy TR5 relates to cycle parking provision and TR11 relates to the access onto the highway. Para 32 of the NPPF relates to the impact of development on the highway network.

8.43 In this case the existing access is to be utilised, there will be ample parking for the occupiers and their visitors on the site and cycle parking can be accommodated in the outbuildings on the site.

8.44 No objection is raised under saved policies TR5, TR11, TR12 of the Shepway District Local Plan Review, policy DSD of the Shepway Core Strategy or paragraph 32 of the NPPF.

Land Instability

8.45 Saved policy BE19 of the Shepway Local Plan Review requires that development in areas of land instability will not be granted unless investigation and analysis has been undertaken which clearly demonstrates that the site can be safely developed and the proposed development will not have an adverse effect on the slip area as a whole. With respect to the matter of land stability the NPPF advises in paragraphs 120, 121 that 'responsibility for securing a safe site rests with the developer and/or landowner' and that planning decisions should ensure that the site is suitable for its new use taking account of various matter including ground conditions and land stability.

8.46 In this case the site and proposed house will be straddling the boundary into an area of known land instability but details of the design of the development to ensure this is suitably addressed can be the matter of a planning condition.

8.47 Subject to a suitably worded condition no objection is raised under saved policy BE19 of the local plan or paragraphs 120 and 121 of the NPPF.

Contamination

- 8.48 Saved policy U10a relates to contamination with respect to the health and safety of occupiers of residential development and the contamination of land and watercourses by the development. The requirement for a phase 1 investigation (desk top study) with respect to contamination can be adequately required by the use of the standard contamination conditions in this instance.
- 8.49 As such, subject to a suitably worded planning condition, no objection is raised to the proposal under saved policy U10a of the Shepway Local Plan Review.

Archaeology

- 8.50 Saved policy SD1 of the Shepway Local Plan Review requires the protection of local heritage, including archaeology.
- 8.51 In this case the site falls within an Area of Archaeological Potential. The County Council archaeologist has been consulted and advises no archaeological measures are required in this instance. As such no objection is raised under the relevant part of saved policy SD1 of the local plan.

Ecology

- 8.52 In this instance the existing house has been occupied until autumn 2015 and is in good repair. The grass is being maintained in a mown state and much of the existing planting is to remain. It is considered that there is little likelihood of protected species being on site or existing habitats being harmed.
- 8.53 As such, it was not considered necessary to request ecology surveys to accompany the proposal.

Local Finance Considerations

- 8.54 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.
- 8.55 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district. Under the scheme the Government matches the council tax raised from new homes for the first six years through the New Homes Bonus. The Government has consulted Councils earlier in the year seeking to reform the New Homes Bonus to be paid over 4 years instead of 6 years, with a possible transition to 5 years. As such only a 4 year value for the New Homes Bonus has been calculated. In

this case, an estimated value of the New Homes Bonus as a result of the proposed development would be £1,740 per annum for 4 years (subject to consultation). New Homes Bonus payments are not considered to be a material consideration in the determination of this application.

- 8.56 In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a CIL scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £100 per square metre for new dwellings.

Human Rights

- 8.57 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.

- 8.58 This application is reported to Committee at the request of Councillor David Owen "in order that a considered decision can be made with the Applicants / Representatives being given the chance to put their case before Members".

9.0 SUMMARY

- 9.1 Overall this proposal seeks to replace a modest dwelling of a distinct and pleasing appearance, which complements the wider character of this residential area, with a much larger, bulkier dwelling of unacceptable design.
- 9.2 The proposal fails to meet the NPPF requirement for new development which seeks to ensure it adds to the overall quality of the area and responds to local character and history and reflects the identity of local surroundings and materials. It also fails to provide high quality housing in terms of its appearance that is *'replacing poor design with better design'*.
- 9.3 The proposed dwelling has no single, holistic, architectural language in its design and the resultant building appears overly large, bulky, boxy and very confused with the front and rear parts of the building in complete contrast to each other and with many disparate and diverse architectural features and details all in close proximity to each other. The design of the proposed dwelling has failed to draw from the architectural language of the area in which the site is located and its scale, design and appearance is considered to be harmful to the pleasant residential character of this area which mostly is comprised of dwellings of significant traditional styling, materials and detailing in well proportioned, mature, green plots.

10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be refused for the following reason(s):

1. The proposed house by virtue of its scale, design, and use of materials does not represent high quality housing in terms of its appearance. Overall the proposed dwelling is of an overly large, bulky and incoherent appearance with the use of contrasting materials, no single architectural language and incorporating many architectural features which appear unrelated to each other or the wider area. The rear part of the building appears as an alien addition to the front part of the building rather than as part of a holistic whole. The proposed house fails to respond to local character or materials and does not replace poor design with better design. The proposal is considered to be harmful to the established pleasant residential character of this area, which predominantly comprises dwellings of significant traditional styling, materials and detailing in well proportioned, mature, green plots. The proposal is contrary to saved policy BE1 of the Shepway District Local Plan Review, policy DSD of the Shepway Core Strategy and paragraphs 9, 17, 56, 57, 58 and the general principles of the National Planning Policy Framework.

Decision of Committee

Y16/0860/SH
Willow Cottage
Cannongate Road
Hythe

