

**Application No:** Y17/0398/SH

**Location of Site:** Steps Cliff Road Hythe Kent

**Development:** Erection of a dwelling with access and two off-street parking spaces.

**Applicant:** Mr Paul Kopik  
Steps  
Cliff Road  
Hythe  
Kent  
CT21 5XW

**Agent:** Mr Mike Simmonds  
Kent Planning  
18 Sene Park  
Hythe  
CT21 5XB

**Date Valid:** 14.07.17

**Expiry Date:** 08.09.17

**Date of Committee:** 31.10.17

**Officer Contact:** Miss Louise Daniels

<b>RECOMMENDATION:</b> That planning permission be granted subject to the conditions set out at the end of the report.
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## **1.0 THE PROPOSAL**

- 1.1 The application seeks permission for the erection of a detached dwelling to the rear garden of the existing residential dwelling, Steps, which is accessed via Cliff Road to the south.
- 1.2 The proposed dwelling is a two-storey, modern design, with white render to the elevations, PV panels to the roof, which would have a mono-pitched roof to the rear (south), a flat roof element in the middle and a dual-pitched element to the front (north), and aluminium windows and doors. The elevation facing Naildown Road to the north would appear single-storey as a consequence of the northern side of the property being set partially into the hillside, with the ground made up in front of the dwelling to provide access whilst the rear of the proposed dwelling would appear as the full two-storeys.
- 1.3 During the process of this application the scheme has been amended to include a cantilevered covered porch to the front of the dwelling and the driveway has been amended to include a turning area within the site so that cars can leave the site in a forward gear. Two off-street parking spaces are proposed for the four bedroom dwelling.

- 1.4 The application has been accompanied by a full suite of drawings, a design and access statement, a tree survey, an archaeological desk-based assessment and a slope stability report.

## **2.0 LOCATION AND DESCRIPTION OF SITE**

- 2.1 The application site is within the defined settlement boundary of Hythe within a residential area. The site currently forms the rear garden of the residential dwelling Steps, which is a detached bungalow with a driveway and vehicle access via Cliff Road to the south. The north boundary of the site meets Naildown Close and currently there is a gate providing pedestrian access onto this road from the rear garden of Steps. The site is within a 'Latchgate' area (an area at risk of land instability), and the north of the site is within an area identified as having archaeological potential.

## **3.0 RELEVANT PLANNING HISTORY**

- 3.1 None relevant.

## **4.0 CONSULTATION RESPONSES**

- 4.1 Hythe Town Council

No Objection.

- 4.2 Arboricultural Manager

I can confirm that I have no objections to the proposed development or tree removals proposed in the accompanying tree report to accommodate the development. I would like to recommend that all retained trees are TPO'd with immediate effect. A condition should be added (should consent be granted) giving the LPA tree officer five working days notice of the erection of the tree protection fencing so that a site visit can be made and the fencing inspected to ensure that it meets the correct specification. A full landscaping and management plan will also be required by condition.

- 4.3 KCC Archaeology

No comments received.

- 4.4 KCC Ecology

If approved, suggest a condition securing the implementation of ecological enhancements.

## **5.0 PUBLICITY**

- 5.1 Neighbours notified by letter:  
(First consultation) Expiry date 23.08.17  
(Second consultation) Expiry date 27.10.17

## **6.0 REPRESENTATIONS**

6.1 Nine representations received objecting on the following grounds:

- Highway safety, inadequate parking and access.
- Loss of light, mood and calmness.
- Loss of privacy and overlooking
- Ground stability and drainage
- Wildlife and natural environment

6.2 Two representations received supporting on the following grounds:

- Novel modern design.
- Low energy performance.

6.3 Councillor Malcolm Dearden (Ward Councillor) objects to the application on the following grounds:

- Overlooking
- Visual amenity
- Highway Safety
- Traffic Generation
- Potential Loss of Trees
- Road Access and egress
- Garden grabbing

## **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, BE16, BE19, U1, TR5, TR11, TR12, CO11.

7.3 The following policies of the Shepway Local Plan Core Strategy apply:  
DSD, CSD7, SS2, SS3.

7.4 The following Supplementary Planning Documents and Government Guidance apply:

## **8.0 APPRAISAL**

### **Principle of Development**

- 8.1 The site is within the settlement boundary of Hythe and policy HO1 of the District Plan permits the residential redevelopment of previously developed sites, or infill development within existing urban areas, subject to environmental and highway safety considerations. Policy SS3 of the Core Strategy Local Plan has a focus on directing development to existing sustainable settlements to protect the open countryside and the coastline and Government guidance in the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 8.2 It is therefore considered that subject to the remaining material considerations set out below, the principle of development on this site is acceptable and would be compliant with adopted policy.

### **Visual Amenity/Design**

- 8.3 The proposed two-storey detached dwelling would be positioned centrally within the site, reflecting the positioning of the neighbouring properties to the south of Naildown Close, being set back from the frontage to allow for a mixture of soft and hard landscaping.
- 8.4 The modern design of the proposed dwelling, whilst being different to other properties along Naildown Close, is considered acceptable for the site and locality considering the low scale and mass of the dwelling in relation to the other properties along Naildown Close. Further, as the site falls from north to south quite significantly, the lower floor of the property would be below the road level of Naildown Close, resulting in a limited visual impact of the proposal in the Naildown Close street scene, but reflective of the other dwellings on the south side of the road.
- 8.5 The application proposes a new access into the site from Naildown Close. This would be similar to other properties along Naildown Close which have driveways and off-street parking to the frontage. There would be some loss of vegetation to facilitate the opening, with a 1.5 metre close-boarded fence proposed. This mirrors the boundary treatment that can be seen along most of the southern side of the street and it is considered that there would be no significant detriment to the established character of the street. The access and driveway are therefore considered to be acceptable in the street scene of Naildown Close.
- 8.6 Overall, it is considered that with regards to design and visual appearance/impact, the proposal would be acceptable.

## **Neighbouring Amenity**

- 8.7 Due to the proposed position of the dwelling being similar to that of neighbouring properties, together with the low building height which would be beneath the neighbouring properties of 18 Naildown Close and Sea Crest, it is considered that there would be no unacceptable overbearing impact or loss of light to these neighbouring properties. A 30m separation would also exist between the rear of the proposed dwelling and the rear of the bungalow Steps and therefore, although the proposed dwelling would be two-storey and on a steep gradient, it is considered that there would be sufficient separation to prevent an unacceptable overbearing impact upon this neighbouring property.
- 8.8 All first floor side facing windows are either designed so as to have a slanted outlook, or are high level windows thereby ensuring that there would be no loss of privacy to the neighbouring properties at 18 Naildown Close or Sea Crest. First floor rear facing windows are proposed however it is considered that the separation distance of 30m would be sufficient to ensure there would be no unacceptable loss of privacy to the rear of the dwelling Steps. In addition boundary treatment would be encouraged to the southern boundary via a condition which would further reduce the potential for overlooking.
- 8.9 The neighbouring dwellings on the opposite side of Naildown Close, to the north, are at a higher level than the application site and are sufficiently distanced from the proposed dwelling to prevent any adverse impact on those dwellings as a result of the proposals.
- 8.10 The erection of a dwelling on the application site which is currently residential garden, would generate additional activity in and around the site, including new vehicular movements to and from the dwelling via Naildown Close. However, it is not considered that this additional activity would impact unacceptably on local residential amenity considering the size of the site, which is such that the new dwelling is not considered to be cramped or overdevelopment. Furthermore, the site is within an existing residential area which already experiences vehicle comings and goings associated with residential properties.
- 8.11 Some disturbance and disruption is inevitable in the locality during site preparation and construction works, but this is not a material planning consideration.
- 8.12 Overall it is considered that any likely impact would not be so significant and/or unneighbourly as to warrant the refusal of permission on amenity grounds and the proposal, with suitable conditions, would safeguard the amenity of existing and future residents.

## **Highways**

8.13 This development does not fall within Kent Highways' criteria for consultation and so reference is made to the adopted guidance note, of which this application would be compliant by providing two off-street vehicle parking spaces. The scale of the proposed development (a single four-bed dwelling) is not such that it is likely to generate significant traffic or highway safety issues in the locality generally and the layout would allow vehicles to turn within the site and leave in a forward gear. Overall, the proposed new vehicle access and parking arrangements for the proposed dwelling are not considered to raise any matters in relation to highway safety.

### **Trees**

8.14 The site has had a Tree Preservation Order placed on it with immediate effect to protect the trees on the site while the application is being determined. The Council's Arboricultural Manager is satisfied with the proposals and has requested that, if approved, a condition giving the LPA five working days notice of the erection of the tree protection fencing so that a site visit can be made and the fencing inspected to ensure that it meets the correct specification. A full landscaping and management plan will also be required by condition.

### **Ecology**

8.15 The site forms the rear garden of an existing residential dwelling, Steps, and KCC Ecology are satisfied that, if approved, a condition securing the implementation of ecological enhancements would be acceptable.

### **Archaeology**

8.16 The northern part of the site forms part of an area identified as being of potential archaeological interest. The area of archaeological interest appears to be outside the footprint of the proposed dwelling although the driveway would be within this designated area. The submitted desk-based assessment states that there are no major archaeological sites known within the 500m radius apart from 19<sup>th</sup> century farm buildings and WWII pillboxes, none of which are known to be located within the application site. Therefore, no archaeological measures are required in this instance.

### **Land Instability**

8.17 The site is within an identified area at risk of land instability. The submitted Slope Stability report states that there are not considered to be any insurmountable problems associated with development on this site in terms of site stability however recommends a further "Latchgate" report be submitted if approved, which can be required by condition.

### **Other Issues**

8.18 Whilst no comments/representations have been received from Southern Water on the proposal, a sewer runs along the northern edge of the site and with recent developments within Naildown Close, Southern Water advised

that no structures should be constructed within 3m of the sewer. The current proposals are not in conflict with this 3m restriction.

### **Local Finance Considerations**

8.19 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.

8.20 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 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.

8.21 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. Initially this was for a period covering the first 6 years, but has been reduced to 4 years for new additions as a result of the Government's response to the recent consultation on the New Homes Bonus scheme (Dec 2016) 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 £1496 for one year and £5,982 for 4 years and calculated on the basis of council tax Band E average dwellings. The consultation response also changed the methodology for assessing further New Homes Bonus monies for authorities. In summary, the basic calculation has remained the same, but a 0.4% threshold has been introduced, meaning that if an authority records an overall increase in new homes in any one year, but this increase is below the threshold, the authority will not receive any New Homes Bonus funding relating to that particular year. This is a significant change, and amongst other things, it means that estimated New Homes Bonus payments for any specific future development is not guaranteed funding. New Homes Bonus payments are not a material consideration in the determination of this application.

### **Human Rights**

8.22 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.

8.23 This application is reported to Committee at the request of Councillor Dearden

## **9.0 SUMMARY**

9.1 The principle of providing a dwelling on the site is accepted given the location within the defined settlement boundary, within a residential area. The design of the proposed dwelling and position within the site is considered to be acceptable and it is considered that the dwelling would not be visually harmful to the street scene of Naildown Close. The impact upon neighbouring amenity and in respect of highway safety is considered to be acceptable and the proposal is therefore recommended for approval subject to conditions as set out at the end of this report.

## **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).

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### **RECOMMENDATION – That planning permission be granted subject to the following conditions:**

1. Three years
2. Submitted plans
3. Materials
4. Latchgate condition
5. Ecological enhancements
6. Hard and soft landscaping
7. Side facing windows to be obscure glazed and non-opening below 1.7m.
8. Cycle and bin store.
9. Tree protection measures.
10. Ridge height, existing and proposed ground levels and finished floor levels in relation to neighbouring buildings.



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