

Application No: Y18/0321/SH

Location of Site: 9 Seabrook Gardens, Hythe

Development: Erection of a three storey detached dwelling with second floor in roofspace with associated car parking.

Applicant: Mrs E Martin

Agent: Mr James Sharp
James Sharp Planning Limited
2 Pickering Lane
Orpington
Bromley
BR5 1FA

Date Valid: 08.03.2018

Expiry Date: 03.05.2018

PEA Date: 03.08.2018

Date of Committee: 31.07.2018

Officer Contact: Paul Howson

SUMMARY

This report considers whether planning permission should be granted for a new infill dwelling on this site. The report recommends that planning permission be granted as it is considered that the proposal is acceptable in principle, and the design and layout of the proposed dwelling would be appropriate in the context of the surrounding environment. The amenities of existing and future occupants are safeguarded, there would be no harmful impact on heritage assets, flood risk would not be a constraint, ecology and arboriculture matters can be dealt with by planning conditions, and there are no highway safety concerns. Therefore, the economic and social benefits of providing a new dwelling in this location outweighs any limited harm, and it is considered to be sustainable development in accordance with development plan policies.

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report, and any additional conditions the Development Management Manager considers necessary.

1.0 THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a three storey detached dwelling with second floor in roofspace with associated car parking, on an undeveloped garden plot.

- 1.2 The dwelling would have a render and shiplap cladding external finish, with grey slate roof tiles, giving the dwelling a contemporary appearance. The accommodation in the roof would be facilitated by three dormer windows on the front and rear roofslopes. The dwelling would have a ridge height of 9 metres with an eaves height of 5.5 metres. The proposal would provide two off street parking spaces and turning area within the site, and a dedicated access which would wrap around the northern part of the retained curtilage for the host dwelling.
- 1.3 The submitted plans show four rooms on the ground floor either side of a central hallway with a WC off it. One of the rooms is indicated as a utility, presumably the others would be a living room, a kitchen, and either a study or dining room. The first floor plans show four bedrooms (two en-suite), and a bathroom. Two further rooms are shown within the roofspace (one en-suite).
- 1.4 The application is accompanied by a Planning Statement, a Design and Access Statement, a Tree Survey and Tree Positions and Constraints drawing, an Archaeological Desk Based Assessment, a Transport Statement, and a Flood Risk Assessment (FRA). A Bat Survey has been submitted subsequent to the initial submission, and an amended Site Location Plan with access to the public highway.

2.0 SITE DESIGNATIONS

- 2.1 The following apply to the site:

- Within the Hythe settlement boundary
- Within Flood Zones 2 & 3 but not at risk from flooding on the Council's SFRA
- Within an Area of archaeological potential
- The existing dwelling is approximately 40m from the Royal Military Canal Scheduled Monument.

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The site forms part of the large relatively flat landscaped residential curtilage of an existing substantial three storey detached house. The garden area the subject of this application is to the west side of the existing dwelling, and is mainly laid to lawn interspersed with trees and shrubs and raised beds. The site is at the end of a cul-de-sac (Seabrook Gardens), and the southern perimeter of the site backs onto a path running parallel with the canal.
- 3.2 The host dwelling has been extended in the form of a three storey side extension and a second floor roof extension, to create a large three storey flat roof contemporary building. The existing detached dwelling fronts onto the Royal Military Canal path and is the last house in an established building line to the east, which is a mix of terraced and semi-detached properties. To the north of the application site are terraced properties fronting Seabrook Road. The gardens of these properties are separated from the application

site by an access track, whilst the gardens of those further west run all the way back to the Royal Military Canal path and are long and narrow, the closest forming the staggered western perimeter of the application site.

4.0 RELEVANT PLANNING HISTORY

4.1 The following being relevant:

- Erection of a house and garage was approved in 1954
- Erection of detached dwelling house was approved with conditions in 1964
- Erection of private garage was approved with conditions in 1966
- Outline application for the erection of a detached house and garage was refused in 1991. Changes in planning policy since this decision, particularly the introduction of the NPPF in 2012 are relevant, and are addressed in paragraphs 9.2 and 9.3 of this report.
- Erection of a 3 storey side extension and second floor roof extension with balconies to provide additional living accommodation was approved with conditions in 2008

5.0 CONSULTATION RESPONSES

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

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

Responses are summarised below.

5.2 Hythe Town Council

Object to the proposal on the grounds of mass and impact on the streetscene and noted it is near Ancient Monument.

5.3 KCC Highways and Transportation

Have not commented on the proposal.

5.4 KCC Archaeology

Have not commented on the proposal.

5.5 KCC Ecology

Requested further information, which was provided to their satisfaction.

5.6 Arboricultural Manager

No objection subject to conditions.

5.7 Environment Agency

Have no objection subject to conditions.

5.8 Southern Water

Recommend the standard informatives.

- 5.9 Historic England
Do not wish to comment.

6.0 PUBLICITY

- 6.1 Neighbours notified. Expiry date 6th April 2018

7.0 REPRESENTATIONS

- 7.1 Representation responses are available in full on the planning file on the Council's website:

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

No representations have been received in response to the publicity for the application.

8.0 RELEVANT POLICY GUIDANCE

- 8.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1 and the policies can be found in full via the following links:

<http://www.shepway.gov.uk/planning/planning-policy/local-plan>

<https://www.shepway.gov.uk/planning/planning-policy/documents-and-guidance>

<https://www.gov.uk/government/collections/planning-practice-guidance>

- 8.2 The following saved policies of the Shepway District Local Plan Review apply:

SD1, BE1, HO1, TR5, TR11, TR12

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

DSD, SS1, SS2, SS3, SS4, SS5, CSD1, CSD2, CSD7

- 8.4 The following paragraphs of the National Planning Policy Framework are of particular relevance to this application:

7 – Achieving sustainable development.
Paragraph's 17, 48, 53, 134

9.0 APPRAISAL

Relevant Material Planning Considerations

- 9.1 The relevant issues for consideration with regard to this current application are the principle of the proposed development, the design and layout; impact on the Scheduled Monument, neighbouring amenity, trees, archaeology, highway safety, ecology, and flood risk.
- 9.2 The proposal is acceptable in principle, as saved policy HO1 and Core Strategy Policy SS3 seek to permit new residential infill development within the established settlement hierarchy subject to material planning considerations, which will be evaluated in this report. Whilst the NPPF states that windfall housing sites should not include residential gardens (paragraph 48), in the context of the support of sustainable development in existing settlements, garden development cannot be resisted in principle, unless significant harm is identified.

Design and Layout

- 9.3 The proposed design is a result of negotiations with officers, which has seen the proposed dwelling move away from trying to emulate the bulk and massing and flat roof design of the host dwelling. The result is a pitched roof dwelling which would be approximately 0.5m lower than the existing dwelling, with a smaller footprint (approximately 93sqm as opposed to approximately 111sqm of the existing (excluding the garage)). As such, whilst it would be a large detached dwelling, it would be subservient to the host dwelling, and would be in-keeping with the contemporary aesthetic of the existing dwelling in terms of materiality and design. There is no uniform character to the building typology in the area and 9 Seabrook Gardens is unique in being the only detached house. The dwellings to the east of the application site fronting the canal path are a mix of periods, including a terrace of three contemporary dwellings on the eastern end of the line of dwellings. As such, in the light of these and the contemporary alterations to the existing dwelling, contemporary dwellings are not incongruous in this location, and in this context the proposal would be considered to sit comfortably in this location to provide a contemporary bookend to the row of dwellings fronting the canal. 9 Seabrook Gardens has an uncharacteristically large curtilage for the local area, and it is considered the proposed dwelling would be proportionate to the size of the plot, which would provide ample spaciousness around it to not appear overintensive. The sub-division as proposed would create two plots which would still be substantially larger than others in this location, with generous garden amenity space, and parking / turning area within the curtilage. Whilst there are no local plan policies regarding garden land development, paragraph 53 of the NPPF makes a case for LPA's to resist inappropriate development of residential gardens. In this instance due to the reasons set out in this report, the development would not be considered to cause harm to the local area, and therefore is not considered to be inappropriate development.
- 9.4 Seabrook Gardens is a small residential enclave to the rear of the continuous building line of the properties fronting Seabrook Road (A259). Consequently, the proposal would be entirely screened from the streetscene.

However, the bridleway following the course of the canal directly to the south of the application site, and the parallel footpath running atop the canal bank, are both well used public rights of way. The application site is highly visible from the public footpath, in the breaks in the bankside vegetation. However, the proposal would be a logical extension of a well-established building line to which it would conform, and as alluded to above it would sit comfortably alongside the existing contemporary host dwelling. Furthermore, the proposal would conform to the rest of the row, in having the active frontage facing the canal, to maximise the southerly aspect and views towards the sea. The relationship with Seabrook Gardens being purely functional. Sitting against the backdrop of the terrace on Seabrook Road and the houses on the higher ground on Naildown Road, it is considered the proposal would assimilate into the existing residential setting well, and is a good design which represents an enhancement to the view of the backs of the aforementioned terrace. As such, it is considered the proposed development would not negatively impact on visual amenity from the canal side paths and would conform to both policy BE1 of the development plan and section 7 of the NPPF.

Scheduled Ancient Monument

- 9.5 In terms of impact on the Royal Military Canal a Scheduled Monument, the application site does not impinge on the designated areas, which include the footpaths, which would have facilitated movements of troops and supplies as part of its historic fortification role. Given the proposal would conform with the established pattern of built development fronting the canal path the proposed development would not interrupt the sight lines down the canal, and as such there would be no significant exacerbated impact on the setting of the Scheduled Monument. Consequently, there would be no impact on the reading of this important heritage feature. Therefore, it is considered that the proposal would not give rise to harm to the setting of the Schedule Monument and as such there is no conflict with paragraph 134 of the NPPF.

Amenity

- 9.6 In terms of residential amenity, the front elevation would have an outlook over the canal, and would not affect any neighbouring properties. Equally the west elevation would have an outlook across the rear of the long gardens, which are not primary amenity spaces. The outlook north from the proposed rear elevation windows, would be towards the rear of the houses fronting Seabrook Road. However, with over 40m space separation this would not be considered intrusive, and would not significantly exacerbate exiting interlooking from the existing dwelling. Furthermore, the relationship of the proposed dwelling with the existing dwelling would not be confrontational, as there would be no direct side to side interlooking, as the openings on the west elevation of the existing dwelling feature glazed bricks which are impenetrable to sight. This could be reinforced through securing by planning condition that the first and second floor east elevation flank windows of the proposed dwelling are obscure glazed. This would be reasonable, as they would be secondary windows to the rooms they would serve, avoiding intrusive overlooking of the private amenity areas of 9

Seabrook Gardens. There would be no significant overbearing impacts due to the 11m of space separation between the properties, or significant loss of light due to the orientation and positioning of the proposal, which means the proposed dwelling would only cause shadow in the late afternoon / evening, and as referred to above there are no primary windows to habitable rooms in the east elevation of the existing dwelling. Overall, as there would only be one immediate neighbour (the existing host dwelling) and the proposal would not harm the amenity of the occupiers of this dwelling, there is no conflict with saved policy SD1 in regards to neighbour amenity.

- 9.7 Policy SD1 of the Shepway District 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 proposed development. The proposed layout would provide a good sized garden amenity space suitable for a family dwelling, with good sized rooms and adequate light and outlook to all habitable rooms.

Trees

- 9.8 The proposal involves the loss of ten small insignificant trees / shrubs. There are no protected trees on the site. The trees to be retained would contribute to the softening of the development and screening between the proposed and existing development. Consequently the Tree Survey submitted with the application recommends protection measures to protect the root systems during construction. The Council's Arboricultural Manager agrees with the recommendations, to be secured through a planning condition. The recommended tree work and protection measures should be in place prior to the commencement of development, and shall be inspected by the Arboriculture Manager to check for compliance. Details would also need to be secured by condition for a replanting programme to mitigate the trees proposed to be lost.

Archaeology

- 9.9 The site falls within an archaeological protection zone and consequently an Archaeological Desk Based Assessment has been submitted with the application. This concludes that the site has moderate potential for archaeological finds. Despite the KCC Archaeologist not commenting on the proposal, given the proximity to the Royal Military Canal it is considered appropriate to request a programme of archaeological measures are submitted for approval by condition.

Highway Safety

- 9.10 The proposed development would be accessed from the end of the cul-de-sac in Seabrook Gardens. The proposal would not compromise car parking provision for the existing dwelling. The proposed layout shows two formal vehicle parking spaces, as well as generous driveway space, which would provide additional informal parking provision. As such, the required three off street parking spaces for a dwelling of this size can be accommodated. It is considered that this provision would be adequate to serve the proposed

dwelling. Furthermore, Seabrook Gardens is an unadopted road, so there would be no impact on the public highway. The number of additional vehicle movements the proposed development would generate would not be considered to significantly intensify the use of the access onto the Seabrook Road, to the extent it would be considered to be a highway safety issue, in the context of the number of properties which already rely on it. Being a private road it is not protocol for Highways officers to comment on the proposal, but in a pre-application consultation Kent Highways and Transportation stated the proposal was acceptable in Highways terms (provided in the submitted Transport Statement). Nevertheless the proposals have been considered on highway grounds by officers and is considered to be acceptable.

Ecology

9.11 In accordance with the EIA Regulations the site does not fall within a sensitive area and the development is below the thresholds for Schedule 2 10(b) urban development projects and therefore does not need to be screened under these regulations.

9.12 Limited ecological information was provided with the application and consequently KCC ecologists requested further information to assess the ecological impacts of the proposal, particularly with regards to bats. The subsequently submitted Bat Tree Survey has satisfied the ecologists concerns. The report concluded that the trees on site do not have potential for roosting bats. However, there are known bat roosts in the area, for which lighting can be harmful for foraging bats. As such, KCC Ecology recommend a lighting design strategy for biodiversity is secured by planning condition. Furthermore, the site provides a low suitability for reptiles to be present, as such a full reptile scoping survey is not required, however a precautionary planning condition should ensure that an ecologist carries out a vegetation clearance scheme to protect any potential reptiles present. Finally ecological enhancements to be incorporated into the proposed development should be secured by planning condition.

Flooding

9.13 The Environment Agency have no objection to the proposed development subject to the measures detailed in the submitted Flood Risk assessment being implemented. Consequently these measures would be secured by planning condition. The site is not shown to be at risk from flooding on the Council's SFRA, and as such with the flood mitigation measures in place, flood risk would not be considered a constraint to the proposed development.

Local Finance Considerations

9.14 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.

In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £100 per square metre for new residential floor space. The proposal would generate £25,490.20.

New Homes Bonus payments are not a material consideration in the determination of this application.

Human Rights

9.15 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.

9.16 This application is reported to Committee due to the views of Hythe Town Council.

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 granted subject to the following conditions and any additional conditions that the Development Management Manager considers necessary:

1. Standard time condition
2. Approved plans
3. Materials
4. Retention of Parking Spaces
5. Obscure glazing on east elevation first and second floor windows.
6. Details of replacement trees to be submitted for approval
7. Tree protection measures as per submitted Tree Survey

8. Programme of Archaeological measures to be submitted for approval
9. Lighting design strategy for biodiversity to be submitted for approval
10. Vegetation clearance scheme to protect reptiles
11. Ecological enhancements to be incorporated into the proposed development to be submitted for approval
12. Flood risk measures detailed in FRA to be incorporated into development
13. Water efficiency
14. Bin store to be provided as shown on plans
15. Cycle parking to be provided
16. Landscaping details to be submitted for approval

Informatives:

Standard Southern Water informatives

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