

Application No: Y18/0824/FH

Location of Site: 159 Canterbury Road, Hawkinge, Folkestone CT18 7AX

Development: Erection of detached dwelling (re-submission of Y17/1383/SH)

Applicant: Mrs A Charles

Agent: Mr Roger Joyce
Roger Joyce Associates
3 Jointon Road
Folkestone
CT20 2RF

Date Valid: 09.07.18

Expiry Date: 03.09.18

PEA Date: 28.09.18

Date of Committee: 25.09.18

Officer Contact: Paul Howson

SUMMARY

This report considers whether planning permission should be granted for a detached infill dwelling on this site. The report recommends that planning permission be refused as it is considered that due to the scale and proportions of the proposed dwelling in relation to the surrounding development, and the host building in particular, the proposal would be contrary to the surrounding built form, and the building hierarchy expectation for garden infill sites. With the exception of changes to the access arrangement to allow cars to turn within the site and leave in a forward gear, the proposal is identical to a scheme refused earlier this year. Although the previous highway ground of refusal has been overcome there have been no changes to the building itself, so there is no justification on planning grounds to now reach a different decision in relation to the other ground for refusal of the building being an incongruous form of the development, and to do so would be acting unreasonably.

RECOMMENDATION: That planning permission be refused for the reason set out at the end of the report.

1.0 THE PROPOSAL

1.1 This application seeks planning permission for the erection of a detached dwelling, in an undeveloped garden plot. The proposal includes the creation of a new access from Tye Lane to serve the proposed development, with a hard surface parking/turning area.

- 1.2 The proposal would provide a chalet style bungalow with a living room, a kitchen dining room with larder, a study, and a bathroom at ground floor level. The first floor within the roofspace would provide two bedrooms, a box room, a further bathroom, and a walk in wardrobe. The external finishes would be stock brickwork, grey interlocking slate tiles, and aluminium powder coated fenestration.
- 1.3 The application is accompanied by a Design Statement, an Archaeological desk based assessment, a photographic survey of neighbouring houses, and a Tree Survey.

2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

- Within the Hawkinge settlement boundary
- Part of the site is within an Area of Archaeological Potential
- Within the Kent Downs Area of Outstanding Natural Beauty
- Within the Special Landscape Area

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 159 Canterbury Road is a detached bungalow, the proposed development site being an enclosed section of the garden to the rear of the existing dwelling. This separated part of the garden is level and features a shed and a summerhouse. The garden plot is located to the west of the existing dwelling and comprises a lawn area enclosed by a 1.8m timber fence and hedging/trees on a bank to the boundary fronting Tye Lane.
- 3.2 Abutting the site is a bungalow directly to the rear (west) of the plot, part of a modern development of bungalows served by the private road Tye Lane; and, the rear garden of 161 Canterbury Road is to the north of the plot.

4.0 RELEVANT PLANNING HISTORY

- Outline permission for detached bungalows in garden was refused in 1960
- Use of land for the siting of a residential caravan for use as a granny annexe was approved with conditions in 1983
- Erection of detached dwelling was refused 28.03.2018

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 Hawkinge Town Council

Strongly support the application, subject to two parking spaces being provided on site.

5.3 KCC Archaeology

Recommended a programme of archaeological works.

5.4 Southern Water

Has advised there is a public sewer crossing the site, and recommended conditions and advisory informatives.

5.5 Arboricultural Manager

No objection subject to condition relating to tree protection measures.

6.0 REPRESENTATIONS

6.1 Representation 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:

6.2 6 letters/emails have been received, objecting on the following grounds:

- Additional vehicle movements
- Single vehicle access only due to narrowness of Tye Lane
- Access issues during construction
- Right to use the private road
- Highway safety
- Alternative access should be provided via Canterbury Road
- Loss of hedgerow to front of site
- Harm to wildlife from loss of hedge
- Scale not in-keeping with surrounding bungalows

7.0 RELEVANT POLICY GUIDANCE

7.1 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>

7.2 The following policies of the Shepway District Local Plan Review apply:
SD1, BE1, HO1, TR5, TR11, TR12

7.3 The following policies of the Shepway Local Plan Core Strategy apply:
DSD, SS1, SS2, SS3, SS5

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

Paragraphs: 48, 124, 130

Sections: 2. Achieving sustainable development and 12. Achieving well-designed places

8.0 APPRAISAL

Background

8.1 An application was submitted earlier this year for a dwelling on the site under planning reference Y17/1383/SH. This was refused on the grounds of being an incongruous form of development, and on highway safety grounds. This re-submitted application is an identical design, but with the layout amended to address the access / parking arrangements.

Relevant Material Planning Considerations

8.2 The relevant issues for consideration with regard to this current application are the principle of the proposed development, the design and visual appearance, the impact on the streetscene, the impact on neighbour amenity, parking and highways, arboricultural constraints, archaeological potential, and other issues raised by neighbours.

Principle

8.3 The principle of new development in this location is supported by saved local plan policy HO1, which supports residential infill within existing urban areas; and Core Strategy policy SS3 which states that the principle of developments is likely to be acceptable in defined settlements. However, this is subject to environmental, highways, and other material planning considerations. The main material considerations in this instance are building typology, the impact of accessing the private road, and the impact on neighbour amenity.

Design and Layout

8.4 The design and visual appearance of the proposed chalet bungalow is not unacceptable per se. It features large double level glazing on the rear elevation, 'Juliet' balconies on both flank elevations and a roof overhang over the front entrance. It is considered these features along with aluminium fenestration would give the property an interesting contemporary

appearance. However, the proposed development has to be considered in the context of the proportions of the plot and the surrounding development.

- 8.5 159 Canterbury Road) is a relatively small conventional bungalow, which is set back from the road roughly in the middle of the plot, following the established building line on the western side of this part of Canterbury Road. The neighbouring property (161 Canterbury Road) is also a bungalow. Furthermore, the two dwellings to the rear of the site are also bungalows albeit the one directly to the rear has a small dormer. The photographs of neighbouring buildings submitted with the application confirm that all the buildings around the application plot are bungalows. Therefore in the context of the impact on the streetscene, the proposed dwelling would be incongruous in relation to these low level dwellings. Of particular issue is that at approximately 7m high the proposed dwelling would be significantly higher and bulkier than the host dwelling. This would not respect the hierarchy of dwellings, where the expectation is that back land dwellings should be subservient to the host house, with the bigger property fronting the street. In the case of the proposed dwelling, the proposed infill dwelling is larger than the host dwelling, and as such it would appear dominant in views from Canterbury Road, exacerbated by being on slightly raised land (Tye Lane has a slight upward incline from Canterbury Road). As such, the proposed one and a half storey dwelling would not sit comfortably between two sets of low level bungalows, and would be contrary to the established surrounding form of development, conflicting with saved policy BE1. Furthermore, the plot does not lend itself well to sub-division, due to the central position of the existing dwelling, which restricts the space available for an additional dwelling.
- 8.6 In the light of this emerging policy HB10 of the Places and Policies Local Plan seeks to resist redevelopment of residential garden land where the proposals fail to respond to the character and appearance of the area. It also seeks to resist development which is not of an appropriate scale and layout for the plot. The emerging local plan is at an advanced stage of preparation, and policy HB10 has no significant outstanding objections and is consistent with the NPPF, and therefore in accordance with paragraph 48 of the NPPF 2018, the LPA can give weight to policy HB10 of the emerging plan. The proposal is also considered to conflict with the aims of the NPPF as at paragraph 124 the guidance seeks that design should contribute positively to making places better for people and it is considered that the proposal conflicts with this aspiration. As such, in accordance with paragraph 130, planning permission should be refused for development that fails to take the opportunity to improve the character of the area and the way it functions.

Amenity

- 8.7 Paragraph 127 f) of the NPPF (2018) seeks design should achieve a good standard of amenity for all existing and future occupiers, which includes layout and access arrangements. With regard to the amenities of neighbouring occupiers the proposal would introduce potential amenity issues due to featuring an upper storey. There would be some loss of light

and overshadowing in relation to 7 Tye Lane to the rear, but this would be restricted to early morning. The same would apply to the host dwelling 159 Canterbury Road, in terms of loss of late evening light. However, overall with no dwellings directly to the north of the proposed dwelling, it is considered that the harm from overshadowing would not be significant enough to justify refusing planning permission.

8.8 In terms of overlooking, the double level window on the rear elevation would serve the stairwell and as such would not be overly intrusive. However, the 'Juliet' balcony serving the bedroom on the northern flank elevation would have an outlook to the rear elevations of 6 Tye Lane and 161 Canterbury Road. There are however mature trees in the garden of 161 Canterbury Road that would restrict the outlook, and mitigate any overly intrusive overlooking in relation to both properties. Overlooking from the south facing 'Juliet' balcony would be to the front of 1 Tye Lane, which is open to the public domain, due to the open plan nature of the Tye Lane development so there would not be any increased loss of privacy. The proposed rooflights in the south elevation would serve a landing, bathroom and box room respectively, and could be secured by condition to be 1.7m above the internal floor level (as shown on the drawings), and obscure glazed where appropriate, and as such they would not represent a significant overlooking threat for the existing dwelling 159 Canterbury Road. As such, overlooking would not be a significant constraint for the proposed development.

8.9 Further to the above, the proposed development is within relatively small plot, with a lack of garden space for future occupiers of a family size 2/3 bedroom home. Furthermore, the proposal would result in the loss of the private amenity space for the host dwelling, only leaving the property with a front garden. However, overall, in the light of the above, whilst the proposal would result in some additional adverse impact on the amenity of residential occupiers, this would not be considered to be significant enough to be a reason for refusal in its own right.

Highway safety

8.10 The proposal would be accessed from Tye Lane, with the layout featuring a parking area along the eastern side of the plot, with a turning bay to the front (south) of the proposed dwelling to enable vehicles to leave in forward gear. A 2/3 bedroom dwelling would need to provide 2 vehicle parking spaces, and the proposed parking area could accommodate this requirement. Tye Lane is a narrow private road, with realistically only single vehicle width, hence it has a passing bay, and traffic speed is controlled by speed humps. It is considered, the revised access and parking arrangement overcomes the previous highway safety concerns as it would no longer be a slow and awkward manoeuvre to access Tye Lane, with potential to cause congestion to vehicles trying to access / egress the houses on Tye Lane. The proposed revised new access onto this unadopted road would therefore not be considered to be detrimental to the safety of vehicle traffic, and would be no more hazardous or disruptive than the existing accesses other dwellings have onto this narrow road. As such, the proposal would be acceptable from a parking and highways perspective, and that previous reason for refusal is considered to be overcome.

8.11 Neighbours have raised concern about the upkeep of the private road and the right of access over it. However, this is not a planning consideration, and would be a civil matter between residents.

Trees

8.12 There are no arboricultural constraints that would restrict the proposed development. However, tree protection measures would need to be secured by condition, and all the required tree protection measures would need to be in place prior to the commencement of the development, to be inspected by the Arboriculture Manager.

8.13 It is acknowledged that there will be loss of hedging to the front of the site, and this should be restricted to being outside the nesting season, secured by condition. However, the Tye Lane development is generally open frontages, and as such from a visual amenity perspective its loss would not be incongruous, and the mature tree remains to soften the proposed development.

Archaeology

8.14 The site is within an area known to have potential for buried archaeological remains. As such, the County Archaeological Officer has recommended a programme of archaeological works, which can be secured by condition.

Environmental Impact Assessment Regulations 2017

8.15 In accordance with the EIA Regulations the site falls within a sensitive area and within Schedule 2 10(b) urban development projects. A screening opinion has been carried out and it has been concluded that the development is not EIA development and as such an Environmental Statement is not required. A copy of the screening opinion is available on the planning file.

Local Finance Considerations

8.16 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.

8.17 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district. The New Homes Bonus funding regime is currently under review and is anticipated to end. Under the scheme the Government matches the council tax raised from new homes. This is for a period covering the first four years. In this case, an estimated

value of the New Homes Bonus as a result of the proposed development would be £1272.59 when calculated on the basis of council tax Band D average dwellings. If an authority records an overall increase in new homes in any one year, but this increase is below the 0.4% threshold, the authority will not receive any New Homes Bonus funding relating to that particular year. New Homes Bonus payments are not a material consideration in the determination of this application.

- 8.18 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 £54.70 per square metre for new residential floor space.

Human Rights

- 8.19 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.
- 8.20 This application is reported to Committee due to the views of Hawkinge Town Council.

9.0 BACKGROUND DOCUMENTS

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

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

The proposed infill dwelling, by virtue its height, bulk, massing and being greater in size than the host dwelling on a backland site, would fail to respect the layout and pattern of development in the area resulting in an incongruous form of development which fails to respond to the existing character and appearance of the streetscene in Tye Lane which is characterised by low level dwellings. The proposal would therefore be harmful to the character of the area, incongruous with the existing development in the locality and would appear over dominant compared to its surroundings. The proposal is therefore contrary to the aims of paragraphs 124, 127 and 130 of the National Planning Policy Framework

(2018), saved policy BE1 of the Shepway District Local Plan Review and emerging policy HB10 of the Places and Policies Local Plan which seek amongst other things to ensure that development should accord with existing development in the locality, where the site and surrounding development are physically and visually interrelated in respect of building form, mass and height.

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Hawkinge

