

# DCL/22/33

**Application No:** 22/0155/FH

**Location of Site:** 36a Seabrook Road, Hythe, CT21 5LZ

**Development:** Erection of two storey side and rear extension and replacement roof structure (including dormer windows), to provide an additional self-contained flat unit within roof space.

**Applicant:** S. Ruthwell

**Agent:** Kent Building Control Ltd.

**Officer Contact:** Ross McCardle

## SUMMARY

This application proposes the erection of extensions and alterations at an existing property to enable the formation of an additional (third) flat within the roof space, as well as alterations to the layout of two existing flats. The proposals are acceptable in all respects, and the development would result in the provision of a new residential unit within a sustainable urban location. The application is therefore recommended for approval.

## RECOMMENDATION:

**That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.**

## 1. INTRODUCTION

1.1. The application is reported to Committee due to an objection from Hythe Town Council.

## 2. SITE AND SURROUNDINGS

2.1. 36a Seabrook Road is a detached house currently occupied as two self-contained flats – one each at ground (36a) and first floor (36b). A third flat (36c) is accommodated within a flat-roofed single-storey extension to the rear, but is within separate ownership and unrelated to 36a and b. The garden area to the rear of the property is associated with 36c and flats a and b do not have any outdoor amenity space.

2.2. The wider area is characterised by a mix of houses and flats, with a wide variety of building types, designs, and architecture. Parking for properties on the southern side of Seabrook Road is predominantly on-street while properties on the northern side generally benefit from driveways or on-plot parking areas.

2.3. The site lies within the defined settlement boundary; within flood zone 3 but identified as being at no risk to 2115 under the adopted Strategic Flood Risk Assessment (SFRA); and within CIL zone C (£117.73 per sqm). 7 to 13 Mill Road (roughly opposite the site) is a terrace of grade II listed dwellings.

2.4. A site location plan is attached to this report as **Appendix 1**.

## 3. PROPOSAL

- 3.1 Full planning permission is sought for the erection of a two-storey side and rear extension, replacement roof, and provision of a third flat within the roof space.
- 3.2 The proposed extension would sit to the rear of the property and enlarge the existing eastern “wing” to the same depth as the existing western wing. It would measure approximately 3.4m wide x 1.9m deep x 9.2m tall to the ridge.
- 3.3 The proposed roof replacement would change the roof form from hipped to gabled on both sides and would raise the ridge height from approximately 7.6m to 9.2m across the entire property. It would also include the formation of four pitched-roof dormer windows (two each to the front and rear). The roof would be constructed of slate, with vertical white cladding to the dormer sides and tile hanging within the gable ends.
- 3.4 The above works would enable provision of an entrance hall for unit 1 (ground floor); an ensuite at first floor (unit 2); and formation of a third flat within the roof space.
- 3.5 The proposed flat would be one-bed with a kitchen / diner and separate lounge. It would have a floorspace of approximately 56sqm where internal ceiling height is +1.5m (67sqm total).
- 3.6 The following reports were submitted by the applicant in support of the proposals:

### Flood Risk Assessment

- 3.7 This document sets out that the site lies within an identified flood zone, but that the proposed development would not be at unacceptable risk and would not give rise to any additional risk off-site. It includes details of flood mitigation measures which can be incorporated into the development, such as raised electrics and the use of water-resistant materials.



Fig.1 – existing street scene

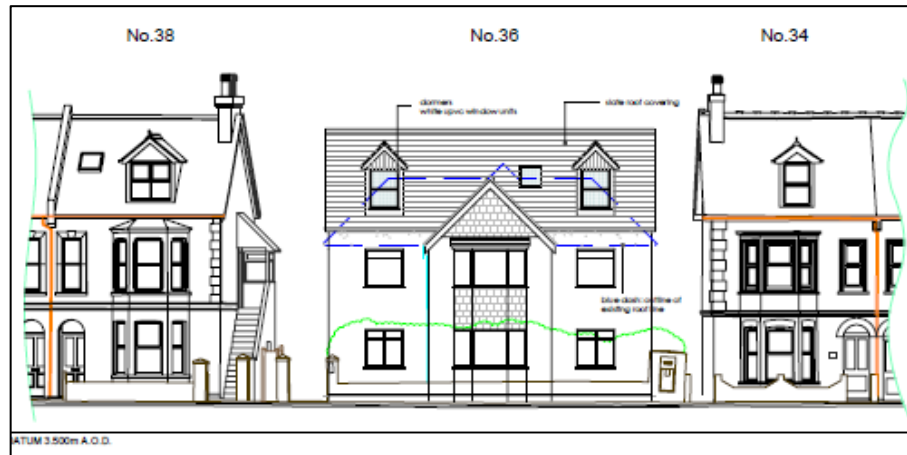


Fig.2 – proposed street scene

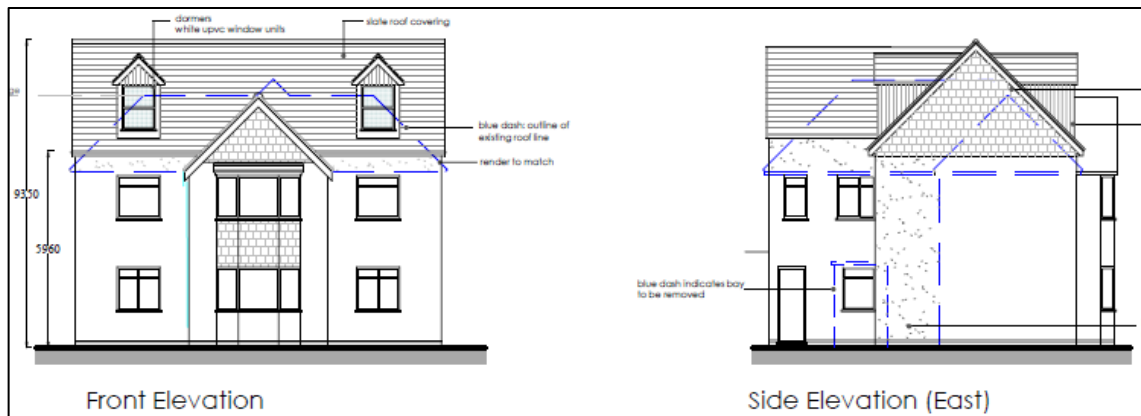


Fig.3 – proposed elevations (existing shown in blue)

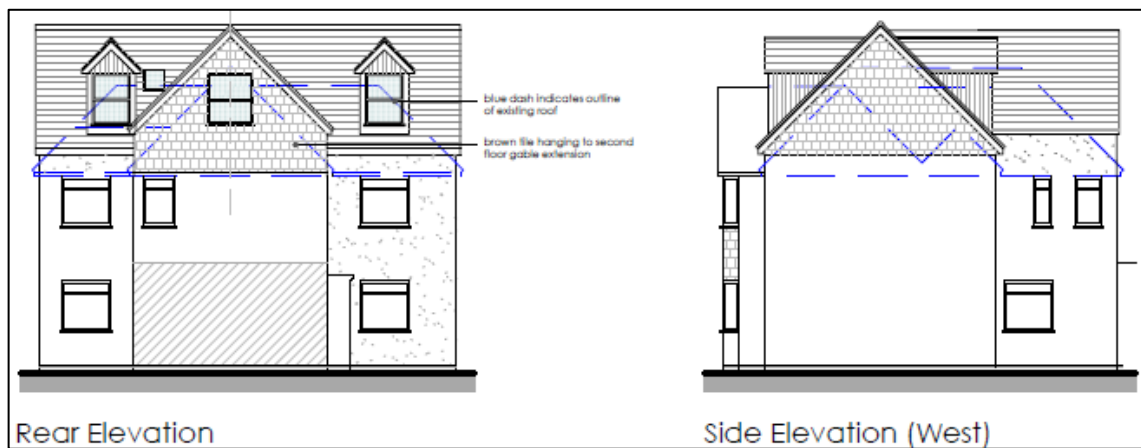


Fig.4 – proposed elevations (existing shown in blue)

## 4. RELEVANT PLANNING HISTORY

4.1 None.

## 5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

### Consultees

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**Hythe Town Council:** objects on the grounds that *“there is no flood risk assessment that has been requested by the Environmental Agency and there is a lack of clarity on parking.”*

**Environment Agency:** have no objection further to receipt of the submitted flood risk assessment and recommend that the flood mitigation measures detailed on pg.3 thereof FRA be implemented “where practicable.”

## **Local Residents Comments**

5.2 8 neighbours directly consulted; 1 letter neither supporting nor objecting to the application received in response.

5.3 The key issues therein are summarised below:

### **General Comments**

- Parking, and highway safety and amenity.

5.4 Responses are available in full on the planning file on the Council’s website:

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

## **6. RELEVANT PLANNING POLICY**

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

6.2 The relevant development plan policies are as follows:

### **Places and Policies Local Plan 2020**

HB1 (general development criteria)  
HB3 (space standards)  
HB8 (alterations and extensions)  
T2 (parking)

### **Core Strategy Local Plan (2022)**

SS1 (spatial strategy)  
SS3 (sustainable settlements)  
CSD2 (District residential needs)  
CSD7 (Hythe strategy)

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

### **Government Advice**

#### **National Planning Policy Framework (NPPF) 2021**

Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:

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Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

Paragraph 111 – *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

## 7. APPRAISAL

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

- a) Principle of development and sustainability
- b) Space standards
- c) Design/layout/visual amenity
- d) Residential amenity
- e) Parking
- f) Flood risk

### a) Principle of development and sustainability

7.2 The application site lies within the defined settlement boundary where new residential development is generally acceptable and directed as a matter of preference by the local and national planning policies set out above. The development would not be at unacceptable risk of flooding, nor would it increase flood risk off-site, and it would result in the provision of an additional unit of residential accommodation in a sustainable urban location. There are existing flats within the local area and a flat development would therefore not be out-of-keeping within the context of the local area.

7.3 The proposal is therefore acceptable in principle.

### b) Space standards

7.4 The proposed flat would provide a good standard of amenity for future occupants. Internal floorspace would considerably exceed the minimum standard set by policy HB3 and the national standard and, while it would be impractical to provide a balcony, the site lies close to the town centre, the Royal Military Canal, the public open space at Wakefield Walk, and (somewhat further afield) the beach, which would provide opportunities for outdoor amenity space/recreation for future residents. All rooms would be well served with natural light and would be suitably proportioned.

### c) Design/layout/visual amenity

7.5 The ridge line of the existing building is set considerably lower than those of neighbouring properties, and the proposed increase to the height would therefore not be incongruous within the context of the street scene or out of character with the prevailing scale of development along the road.

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- 7.6 The proposed dormer windows would sit comfortably within the roof slope and would be of a traditional design that would contribute positively to the building and the character of the area. Matching materials would be used and the works would therefore blend with the existing property.
- 7.7 The proposed two storey extensions would be to the rear of the property, would not be prominent within views from public vantage points, and would be acceptable in terms of their scale and design. The extensions would not harm the character or appearance of the existing property.
- 7.8 The proposed extensions are therefore considered acceptable in terms of scale, design, and impact upon visual amenity.
- 7.9 The development would not have an impact upon the architectural or historic interest of the listed terrace opposite.

## **d) Residential amenity**

- 7.10 The proposed side extension would be set approximately 1.2m from the side boundaries; no. 34 does not feature any flank windows; no.38 features an external side access and flank windows but those windows are set away from the common boundary within an existing rear projection and would not be unacceptably obscured or shaded. The development would therefore not impinge upon the 45 degree rule requirements set by policy HB8. Due to this layout the proposed extension would not unacceptably harm the amenity of those neighbouring residents.
- 7.11 The residents of the ground floor flat to the rear would also not be unacceptably affected due to the position of the proposed extension and the lack of windows facing towards the application site.
- 7.12 The proposal is therefore considered to be acceptable in respect of residential amenity.

## **e) Parking**

- 7.13 The application falls below the threshold at which Kent Highways & Transportation provide formal comments (as set by their adopted protocol arrangements).
- 7.14 The site lies within a sustainable urban location close to the town centre (approximately 300m to the High Street, 430m to Waitrose, and 730m to the seafront) which planning officers consider to constitute an edge-of-centre location for the purposes of considering parking provision. In such areas the adopted Kent Vehicle Parking Standards set out *maximum* provision of one space per flat is required.
- 7.15 The application site would be reliant upon on-street parking. It is acknowledged that there is heavy parking within the local area already but considered that the addition of a single flat (as a result of this application) would not give rise to additional parking demands or pressures in a manner harmful to highway safety or amenity, sufficient to amount to a reason for refusal.
- 7.16 The Council is also driving towards a low-carbon future, and the provision of accommodation in walkable locations such as this contributes towards that goal.

7.17 Therefore, while local concerns are noted, the proposals are considered acceptable in respect of parking and highway safety and amenity.

## **f) Flood risk**

7.18 While the site lies within the defined settlement boundary it also lies within flood zone 3, which is considered to be at highest risk from flooding. However the NPPG makes it clear that while the EA flooding maps are the starting point for considerations, reference must also be made to Strategic Flood Risk Assessments (SFRA) when considering the location and potential future flood risks to developments (NPPG Paragraph: 065 Reference ID: 7-065-20140306). NPPG para. 019 (Reference ID: 7-019-20140306) in particular states that *“flood zones as refined in the Strategic Flood Risk Assessment for the area provide the basis for applying”* the Sequential and Exceptions tests.

7.19 In this instance the SFRA indicates that the site is at no risk to 2115 and there is therefore no requirement to consider development here under either the Sequential or Exceptions tests.

## **Environmental Impact Assessment**

7.20 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

## **Local Finance Considerations**

7.21 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. There is no CIL requirement for this development.

7.22 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £117.73 per square metre for new residential floor space.

## **Human Rights**

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

## Public Sector Equality Duty

7.24 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

## Working with the applicant

7.25 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner.

## 8. CONCLUSION

8.1 This application proposes the erection of extensions and alterations at an existing property to enable the formation of an additional (third) flat within the roof space, as well as alterations to the layout of two existing flats. The proposals are acceptable in all respects, and the development would result in the provision of a new residential unit within a sustainable urban location. The application is therefore recommended for approval.

## 9. BACKGROUND DOCUMENTS

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

## 10. RECOMMENDATIONS

**That planning permission be granted subject to the following conditions and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.**

### Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.



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2. No development shall take place other than in accordance with drawings KBC/21/198/001 and 004.

Reason: For the avoidance of doubt.

3. No development beyond the construction of foundations shall take place until details to demonstrate that the dwelling hereby permitted shall use no more than 110 litres of water per person per day have been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented as agreed.

Reason: In the interest of sustainable development and minimising water consumption.

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. storage of plant and materials used in constructing the development.

- ii. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

- iii. measures to control the emission of dust and dirt during construction.

- iv. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of the amenities of the area and highway safety and convenience.

5. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those on the existing building in terms of type, colour and texture.

Reason: In the interests of visual amenity.

6. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0800 – 1800 hours  
Saturdays 0800 – 1300 hours

unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

7. The flood mitigation measures set out within the submitted Flood Risk Assessment shall be implemented during construction.  
Reason: To minimise flood risk.