

DCL/22/41

Application No: 22/0497/FH & 22/0498/FH

Location of Site: 120 High Street, Hythe, CT21 5LE

Development: 22/0497/FH - Demolition of single storey extension and installation of new external staircase including alterations to provide one self-contained flat. Erection of new detached holiday let at rear.

22/0498/FH - Listed Building Consent for demolition of single storey extension and installation of new external staircase including alterations to provide a self-contained flat. The internal changes include the removal of the existing internal staircase, creation of a new opening in the rear wall of the building to access the new external staircase leading to the rear courtyard, together with a new internal opening to allow for a new hallway. A new boundary wall to create an open yard area will be constructed to serve both the ground floor unit and the upper floor flat.

Applicant: Mr & Mrs N Bacon

Agent: Mr James Smith

Officer Contact: Danielle Wilkins

SUMMARY

This report considers whether planning permission and listed building consent should be granted for the demolition of a single storey extension together with internal alterations to create a self-contained flat within the upper floors of 120 High Street, Hythe. In addition, this report also considers whether the erection of a detached holiday let to the rear of the site is also acceptable (this aspect requires planning permission only and not listed building consent). The report assesses the impact upon the significance and setting of the listed building and finds that the proposed works would safeguard the special architectural interest of the listed building and would not cause harm to the special character and appearance of the conservation area. All remaining issues pertaining to residential amenity, archaeology and highway safety are also considered to be acceptable.

RECOMMENDATION:

That planning permission and listed building consent 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 because Hythe Town Council have objected to the scheme.

2. SITE AND SURROUNDINGS

2.1. The application site is within the defined settlement boundary of Hythe where the principle of development is considered to be acceptable. The site is also within the Hythe High Street and Conservation Area and an area of archaeological potential. The existing site plan is shown below in Figure 1:



Figure 1: Site Location Plan

2.2. The application site comprises 120 High Street and associated outside space to the rear of the plot. The main building is a Grade II listed C18th timber framed building. 120 High Street was once a single large building which has since been subdivided into two properties. From the external appearance of the building including the steep

DCL/22/41

pitched Kent peg tiled hipped roof and the large (but rebuilt) chimney, it is clear that while this is a significant medieval building, there has been significant rebuilding works and later extensions.

The adjacent building, no. 122 (to the east), also has medieval origins, and it too has been extended to the rear with a large flat roofed single storey extension and beyond this to the south is a detached gabled two storey outbuilding. An access path connects the rear yard of no. 120, to an access gate in Prospect Road.

- 2.3. Internally, a hairdressers occupies the ground floor with stairs leading to an open plan first floor. The first and second floors are currently vacant.
- 2.4. A site location plan is attached to this report as Appendix 1.

3. PROPOSAL

- 3.1 Full planning permission and listed building consent are sought for the demolition of a single storey rear extension, internal alterations and subdivision to form a self-contained unit of accommodation whilst retaining the ground floor business use. Planning permission is also sought for the erection of a detached, self-contained holiday let within the rear yard area.
- 3.2 The new flat would be within the main building and would include the erection of a new external staircase to the rear for access. Internally the unit would have an open plan kitchen/dining/lounge area, a separate bathroom on the first floor and one bedroom to the second floor. The proposed floor plans can be seen in Figure 2 and 3 below and the proposed elevations can be seen in Figure 4.
- 3.3 The proposed holiday let would be located in a new detached outbuilding to the rear of the main building. It would measure approximately 3.8m in width, 9.1m in length and 5.9m in height; feature front and rear gables and would be finished in facing brick with a Kent Peg tiled roof to match the host building. Internally the holiday let would have an open plan lounge/kitchen at the ground floor with stairs up to the master bedroom and a bathroom on the first floor. Windows and the main entrance door are proposed in the east elevation together with double doors in the ground floor north elevation. The block plan showing the relationship between the main building and the holiday let are provided in Figure 5 and the proposed elevations and floor plans in Figure 6.
- 3.4 In respect of the Listed Building Consent application, the proposal also includes the demolition of the single storey rear extensions, internal alterations to facilitate the subdivision of the main building to retain the business use at ground floor and to create self-contained accommodation on the first and second floors.
- 3.5 The internal changes include the removal of the existing internal staircase, creation of a new opening in the rear wall of the building to access the new external staircase leading to the rear courtyard, together with a new internal opening to allow for a new hallway. A new boundary wall to create an open yard area is proposed to be constructed to serve both the ground floor unit and the upper floor flat.

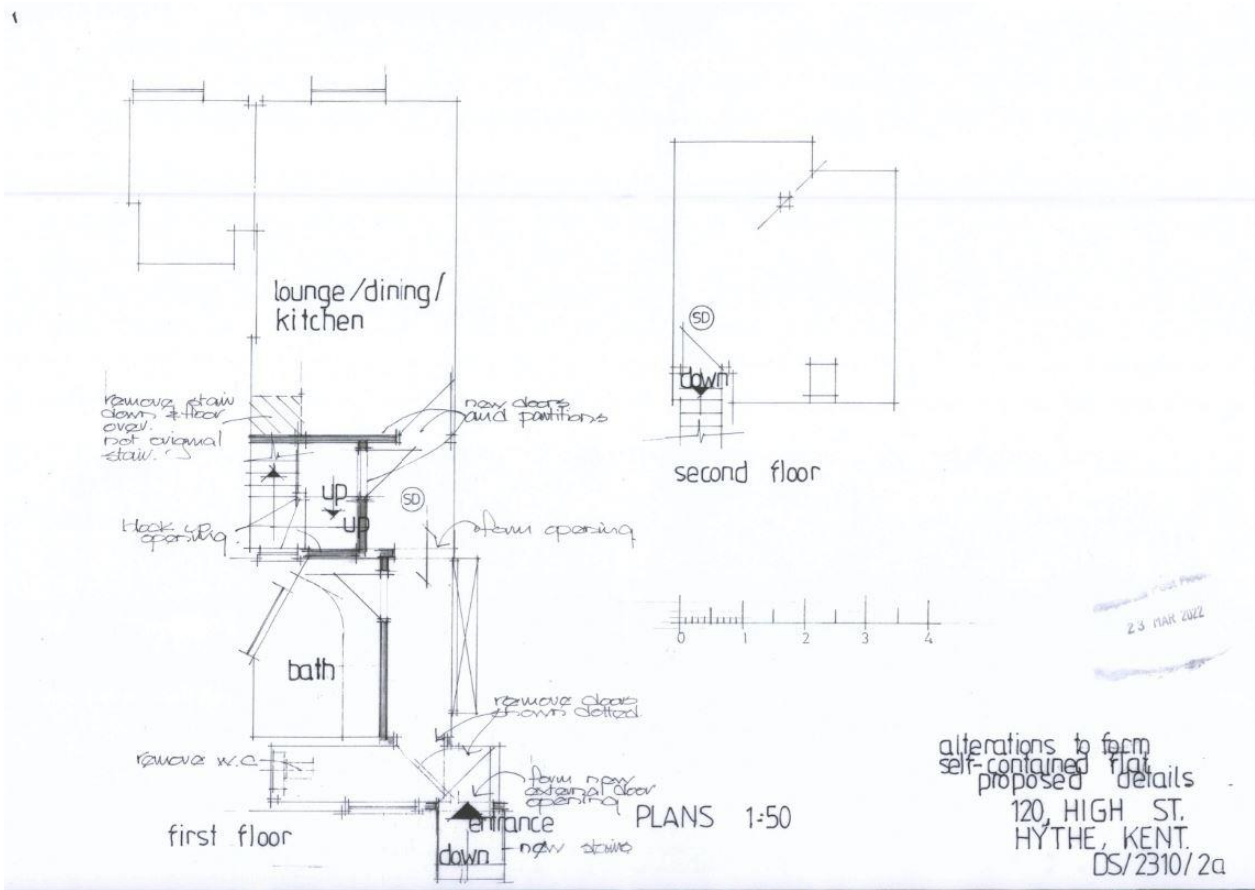


Figure 2: Proposed First and Second Floor Plans

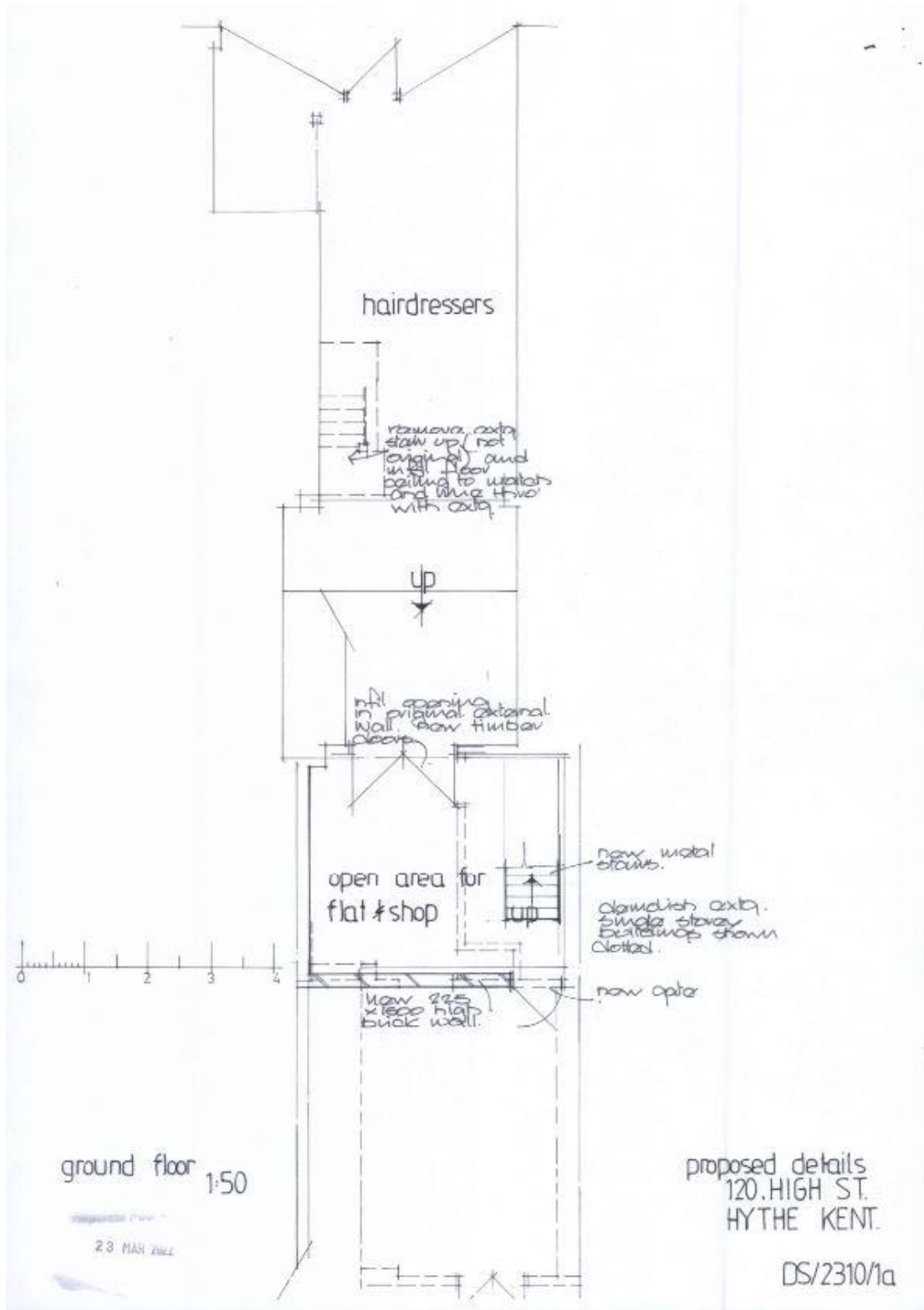


Figure 3: Proposed Ground Floor Plan

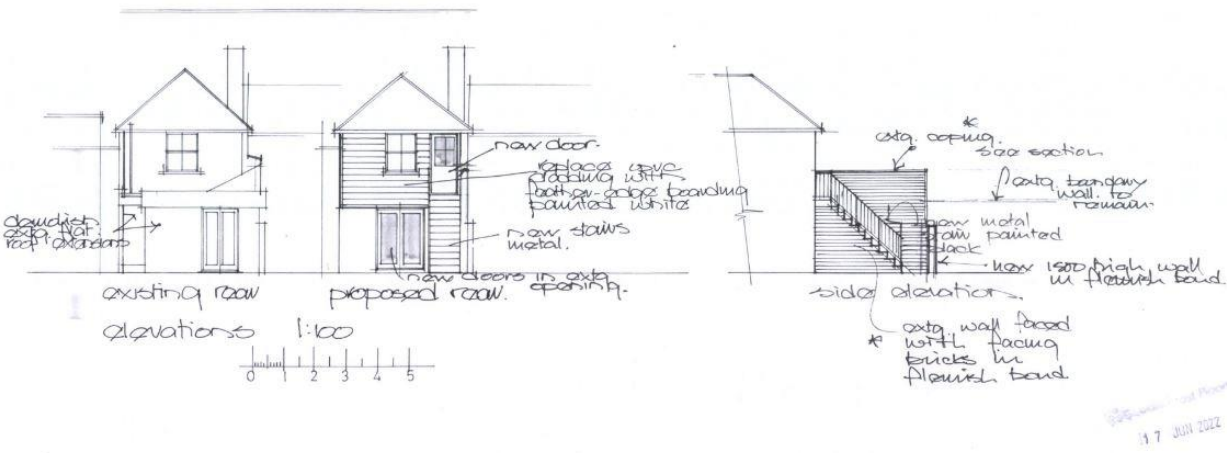


Figure 4: Proposed Rear and Side Elevations

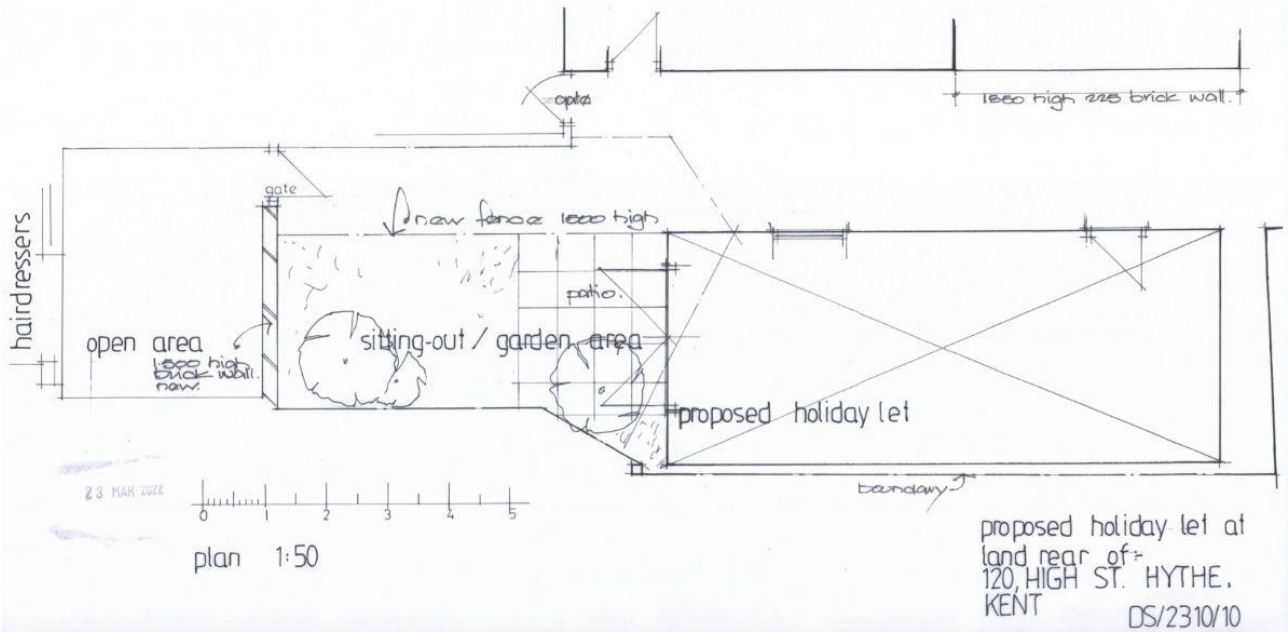


Figure 5: Proposed Block Plan

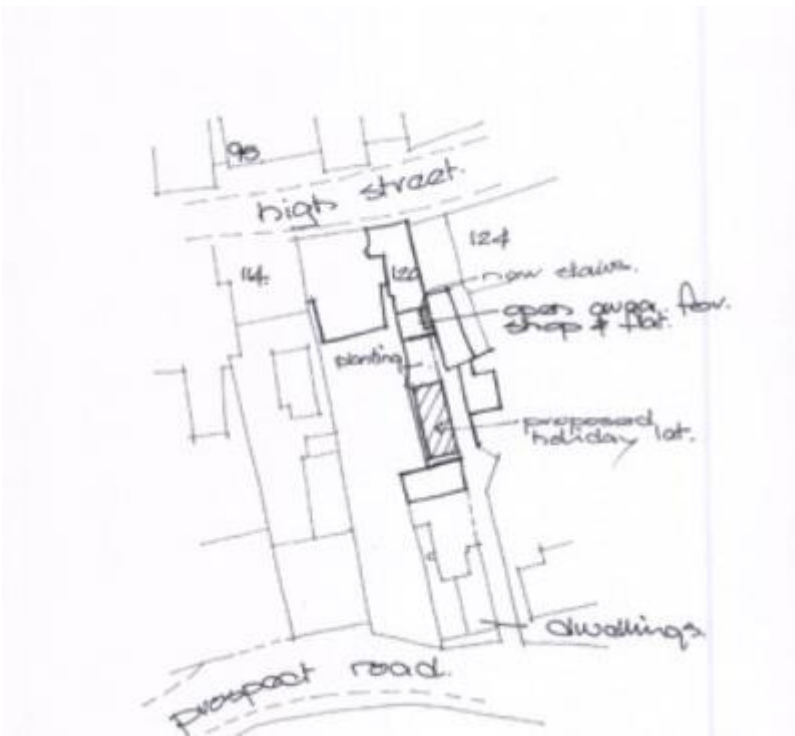


Figure 6: Proposed Site Plan

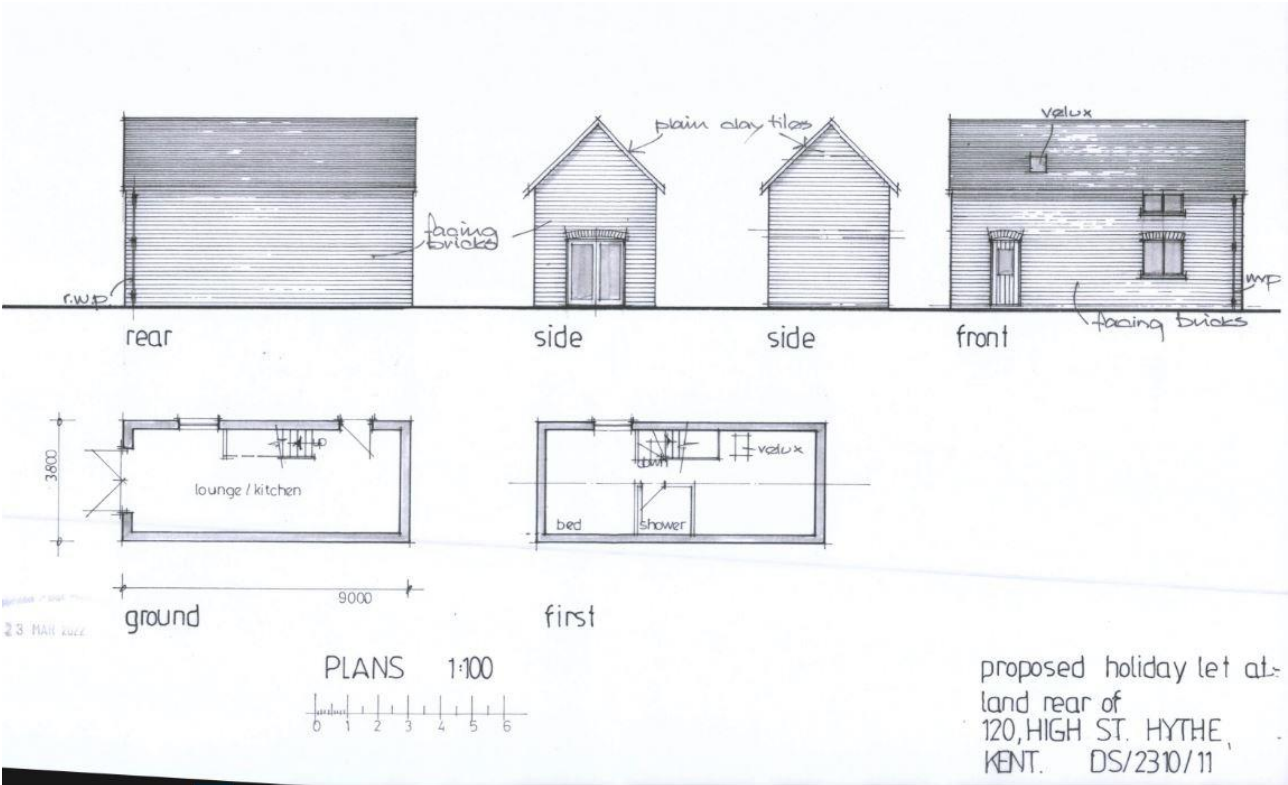


Figure 7: Proposed Elevations and Floor Plans to Holiday Let

3.6 The following reports were submitted by the applicant in support of the proposals:

Heritage Statement: This document provides information upon the significance and character of the heritage asset and assesses whether the works proposed would affect the significance, character, or setting of the heritage assets. It sets out the proposed works and assesses their impact, concluding that they will result in much of the modern fabric being removed, with the historic and significant fabric remaining. It acknowledges that most of the works are to be internal.

4. RELEVANT PLANNING HISTORY

4.1 There is no recent or relevant planning history for the site

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Planning Application 22/0497/FH

Hythe Town Council: Object for the following reasons:

- Inadequate information on the planning application
- Proposed holiday let does not show any toilet facilities
- Access and egress issues due to the narrow road
- Concerns regarding the demolition and damage to a historic building

KCC Archaeology

- No objection

Local Residents Comments

5.2 18 neighbours directly consulted. No representations have been received.

Listed Building Consent – 22/0498/FH

5.3 The consultation responses are summarised below.

Consultees

Hythe Town Council: Object for the following reasons:

Inadequate information on the planning application

- Proposed holiday let does not show any toilet facilities
- Access and egress issues due to the narrow road
- Concerns regarding the demolition and damage to a historic building

Heritage Consultant – no objection subject to conditions

Local Residents Comments

5.4 No representations have been received.

6. RELEVANT PLANNING POLICY

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

6.2 The relevant development plan policies are as follows:-

Core Strategy Review (2022)

SS1 – District Spatial Strategy

SS3 – Place-Shaping and Sustainable Settlements Strategy

CSD7 – Hythe Strategy

Places and Policies Local Plan (2020) (PPLP)

The PPLP was adopted by the Council on 16.09.20 after a formal Inspection and review process. It is therefore a material consideration and carries full weight.

HB1 – Quality Places through Design

HB3 – Internal and External Space Standards

E3 – Tourism

E8 – Provision of Fibre to the Premises

RL1 – Retail Hierarchy

RL3 – Hythe Town Centre

T2 – Parking Standards

T5 - Cycle Parking

CC2 – Sustainable Design and Construction

HE1 – Heritage Assets

HE2 – Archaeology

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

Government Advice

National Planning Policy Framework (NPPF) 2019

National Planning Policy Guidance (NPPG)

National Design Guide October 2019

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: -

Paragraph 11 - Presumption in favour of sustainable development.

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

Paragraph 108 – Development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or if residual cumulative impacts on the road network would be severe.

Paragraph 117 – Making effective use of land

Paragraph 127 -130 – Achieving well designed places

Paragraphs 189 to 192 – Proposals affecting heritage assets.

- 6.4 The Planning (Listed Buildings and Conservation Areas) Act 1990. Section 16(2) of the Act requires special regard to be had to the desirability of preserving the Listed Building or its setting or any special architectural or historic features it possesses. Therefore, the main issue in the consideration of the proposals is the effect of the works on the architectural or historic interest of the Listed Building and any adjacent listed buildings. As the application site is within the Hythe Conservation Area, the requirements of section 72 (1) of the same legislation, namely the desirability of preserving or enhancing the character or appearance of that area, must also be observed.
- 6.5 The NPPF sets out that planning should be achieving sustainable development, defined as having economic, social and environmental dimensions (para 8), with the role of planning to include protecting and enhancing the historic environment. Paragraph 8 identifies that economic, social and environmental gains should be sought jointly and simultaneously, with heritage assets conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 6.6 Paragraph 202 sets out that where a development proposal will lead to less than substantial harm to the significance, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. As such, the NPPF acknowledges that harm to the listed building designated heritage assets may be acceptable if outweighed by public benefits. It is important to clarify that preservation in this context means not harming the interest, as opposed to keeping it utterly unchanged, so some change may be accommodated.

7. APPRAISAL

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

- a) Principle of development and sustainability
- b) Design/layout/visual amenity
- c) Residential amenity
- d) Archaeology
- e) Heritage
- f) Highway safety

a) Principle of development and sustainability

7.2 The application site is within the defined settlement boundary of Hythe, a town centre location, where the principle of development is accepted providing that it delivers high-quality residential, business, service, retail and tourist centre for the district, in accordance with Core Strategy Policy CSD7.

7.3 Policy SS3 of the Core Strategy states that development within the district is directed towards existing sustainable settlements

7.4 As the site is located within Hythe Town Centre, the proposal must also be assessed against policy RL3, which states that planning permission will be granted for development that provides for a range of town centres uses that adds to the vitality and viability of the town centre.

7.5 NPPF Paragraph 86(f) considers that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites.

7.6 In this respect 120 High Street would retain its ground floor retail frontage while also providing residential accommodation to the upper floors and a holiday let to the rear. Given its town centre, sustainable location; this is considered to be acceptable and as such there are no objections to the principle of the application. This however is subject to all other material considerations being deemed acceptable.

b) Visual Amenity

7.7 The site is situated within the Hythe Conservation Area, as protected by policy HE1 which seeks to grant permission for proposals which promote an appropriate and viable use of heritage assets, consistent with their conservation and their significance.

DCL/22/41

- 7.8 Policy HB1 of the PPLP states that planning permission will be granted where the proposal makes a positive contribution to its location and surroundings, enhancing integration while also respecting existing buildings and land uses, particularly with regard to layout, scale, proportions, massing, form, density, materiality and mix of uses so as to ensure all proposals create places of character.
- 7.9 Policy HB8 of the PPLP adds that alterations and extensions should seek to reflect the scale, proportions, materials, roof line and detailing of the original building and not have a detrimental impact on the street scene, either by themselves or cumulatively.
- 7.10 There are no alterations proposed to the principal elevation that would be visible from the public realm. The alterations to the rear of the main building, including the installation of the external staircase and reconfiguration of the windows and doors would not be visible from the public domain and would be similar in appearance to the rear elevation of the adjoining site (no. 118 High Street) and therefore would not affect the character and appearance of the conservation area in a detrimental manner.
- 7.11 The proposed detached outbuilding would be sited to the rear of the application building with limited views from the public realm via the narrow highway to the rear, Prospect Road. It would be similar in appearance to the existing building Rear 10, Prospect Road and would be finished in materials that match the host building and would be subservient to it in terms of scale. It is therefore considered that the proposal would accord with the character and appearance of the local area by virtue of its traditional vernacular form. Whilst the proposal would introduce new development into a part of the site that is not currently developed, it would have a negligible impact upon the visual character of the conservation area and would sit comfortably within the existing built form.

c) Residential amenity

Space standards

- 7.12 The proposed flat would be approximately 48sqm and would therefore conform to the internal space standards for a one person, one bedroom apartment as set out in policy HB3 of the Places and Policies Local Plan. A small courtyard garden is proposed to be shared with the ground floor business premises, this would measure approximately 10.6sqm, in excess of what is required by the space standards for an apartment. This would be to the ground floor and would not result in harm to neighbouring occupants.

Neighbouring amenity

- 7.13 A new external staircase is proposed to access the apartment, the site to the immediate east has a similar style entrance and door close to the boundary, it is not considered that the users of this staircase would be afforded any views directly into the neighbouring building, therefore protecting the privacy of its occupants. The neighbouring buildings have a ground floor business use with residential or office space to the upper floors. As such this element of the proposal is considered to be acceptable.
- 7.14 The proposed one and a half storey holiday let would not include any windows in the first floor of the north, west or south elevations that would introduce any overlooking to neighbouring residents. One rooflight window and one first floor window is proposed in the west elevation that would introduce some overlooking of the rear section of garden

DCL/22/41

of no. 116-118 High Street. However, any views would be obscured by the existing outbuilding in the rear garden of the neighbouring site and it is also noted that the garden would not currently be completely 'private' as it is to the rear of a shared use building. The proposed holiday let would create approximately 52sqm of residential floorspace, this is in excess of the requirements for a one storey, two-person, one bedroom dwelling however approximately 6sqm less than the requirements for a two storey, two-person, one bedroom dwelling. Whilst the application would result in a two-storey building providing accommodation, it is considered that in this instance the proposed floorspace would be acceptable as there are no standards for holiday lets, where slightly less space is usual compared to full time residence. The occupancy would also be restricted by planning condition to ensure it remains as a holiday let. A small, private garden is proposed that would not meet the required 10m depth as stated in policy HB3 (for a permanent residential unit) however, as stated in the policy, exceptions can be made for sites within Conservation Areas.

7.15 It is therefore considered that the proposal would not result in any adverse impact on the amenity enjoyed by neighbouring residents and would not negatively impact upon the amenity of future occupants of the application site.

d) Archaeology

7.16 The site lies within an area of archaeological potential, KCC archaeology were consulted and have confirmed that it is unlikely that the works would have a significant impact and they have no objections to the proposal. As such the application is considered to be acceptable in this respect.

e) Heritage

Alterations to the fabric of the building

7.17 The works that directly affect the fabric of the listed building have been described in paragraphs 3.5 above. The proposal includes the demolition of the original half-width mono-pitched roofed rear extensions. Following initial concerns regarding the impact this may have on the fabric of the listed building, sectional drawings have been received which show the proposed treatment of the exposed wall following demolition. The new French doors are also considered to be acceptable. Officers are satisfied that the works, which will require the reinstatement of the original medieval oak frame will not result in harm to the listed building.

7.18 The removal of the interior at first and second floors has also been considered, however following a site visit it became clear that there are no remaining internal features of interest that would be lost as a result of the works. As such, this aspect would not result in harm to the significance of the listed building which is therefore considered to be acceptable. The removal of the stairs at ground and first floor level is also acceptable subject to conditions requiring the oak frame to be properly re-instated. The new external staircase, the moving of the doorway between the lounge stair hall (noting an absence of medieval timbering in this section) and the new rear yard enclosure are all considered to be acceptable subject to conditions. The alterations have been considered in consultation with the Council's Listed Building Consultant who has raised no objection to the works subject to conditions.

Alterations to setting

DCL/22/41

7.19 The proposed holiday let would be located to the rear of the main building where there is sufficient space to suitably accommodate a proposed building of this size and scale without appearing cramped or dominating the listed building or affecting its setting in a detrimental manner. Given that this is an area that contains a variety of outbuildings in similar locations, it is not considered that this element of the proposals would harm the setting of the listed building and as such there are no objections to this part of the application.

Conclusion

7.20 It is considered that subject to appropriately worded conditions, the proposed works would not affect the special architectural interest of the listed building or its setting. The proposals have been assessed in conjunction with the Council's Listed Building Consultant who has also raised no objection to the works.

Conservation Area

7.21 In respect of the Conservation Area, the views of the application site from the High Street will be unaffected by the proposals. From Prospect Road, views northward toward the rear of the main building, via the garden area, are obscured by the narrow passageway serving the application site, with views of the proposed holiday let less visible. However, as set out in paragraph 7.11 above, the proposed design, scale, material and architectural detailing will mean the building would have no detrimental impact in terms of character. It is therefore considered that the proposal meets national and local policy, and as a result are deemed to be acceptable.

f) Highways

7.22 There is no existing off-street parking available for the site and while the proposal would result in the creation of two new bedrooms, one within the main building and one within the holiday let, the site is within a town centre location, with excellent public transport links and public car parks located close by. It is therefore considered that in this instance, the lack of any off-street parking is not a sufficient reason to warrant a refusal on this basis alone. There are therefore no objections to the proposal on these grounds.

Environmental Impact Assessment

7.23 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

7.24 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.

DCL/22/41

7.25 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

7.26 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

7.27 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

7.28 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

Planning application 22/0497/FH

8.1 The proposal would result in the restoration and refurbishment of a grade II listed building and maintain and enhance the current viable use, whilst providing additional residential and tourism accommodation in a sustainable area. The proposals are considered to be acceptable and would not cause harm to the special character and appearance of the conservation area. All other material considerations are considered to be acceptable in terms of residential amenity, visual amenity, highway safety and archaeology, subject to the conditions set out at the end of this report.

Listed Building Consent application 22/0498/FH

DCL/22/41

8.2 The proposed works would result in the restoration and refurbishment of a grade II listed building. The application has been assessed in consultation with the Council's Listed Building Consultant who has raised no objections subject to conditions. It is therefore considered that the application would preserve the special architectural interest of the listed building.

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:

22/0497/FH (Planning Permission)

1. The development must be begun within three years of the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

DS/2310/1a
DS/2310/2a
DS/2310/7a
DS/2310/10
DS/2310/11
DS/2310

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development.

3. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

DCL/22/41

4. The holiday accommodation hereby permitted shall only be used for bona fide holiday purposes and shall not be used by any person or group of people for more than one month in any three consecutive months.

Reason: Permission has only been granted on the basis that the accommodation will be for short stay holiday visitors in accordance with policies SD1 and TM1 of the Shepway District Local Plan Review.

22/0498/FH (Listed Building Consent)

1. The development and works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: In pursuance of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

DS/2310/1a
DS/2310/2a
DS/2310/7a
DS/2310/10
DS/2310/11
DS/2310

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development.

3. Development shall not commence until details and/or samples of the materials to be used in the construction of the development hereby permitted, inclusive of finishes and colours, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and colours not changed without prior written approval of the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the completed development and in the interests of visual amenity

4. The opening currently occupied by the stair leading up to first floor shall be infilled with oak timbers to match the existing construction and jointed to the existing where necessary. A detailed layout plan for the reinstatement shall be submitted to and be approved in writing by the Local Planning Authority prior to this work taking place. The details shall include the framing sections, sizes, jointing and morticing of the reconstructed oak to a scale of least 1:5. Development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

DCL/22/41

Reason: To ensure the satisfactory appearance of the completed works in the interest of protecting the special architectural and historic character of the Listed Building

5. No development beyond the construction of foundations shall take place until detailed drawings at a suggested scale of 1:5 of all new external and internal joinery work and fittings together with sections through glazing bars, frames and mouldings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: In the interest of the special architectural or historic interest of the listed building and in the interest of preserving or enhancing the character and appearance of the conservation area.

6. The brick bonding throughout the works shall be Flemish bond and details of the mortar mix to be used shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. All mortar shall be finished flush and 'brushed back' and shall be retained as such thereafter.

Reason: In the interest of the special architectural or historic interest of the heritage asset.

7. No development beyond the construction of foundations shall take place until full details at a scale of at least 1:5 of the eaves have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: In the interest of the special architectural or historic interest of the listed building.

8. All rainwater goods to be used as part of the development hereby permitted shall be of cast iron construction unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the special architectural or historic interest of the listed building.

9. The garden courtyard walls shall be built in solid 215mm brickwork with a plain brick-on edge coping. All mortar shall be finished flush and 'brushed back' and be retained as such thereafter.

Reason: In the interest of the special architectural or historic interest of the heritage asset.

10. No development beyond the construction of foundations shall take place until full details of all hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

DCL/22/41

Reason: In the interest of the special architectural or historic interest of the heritage asset.