

PLANNING COMMITTEE

APPLICATION NUMBER: CA//19/00533/FUL

SITE LOCATION: The Paddock, Highstreet Road, Hernehill, Whitstable, CT5 3AH

PROPOSAL: Variation of condition 02 (approved drawings) of planning permission reference CA/18/01810/FUL for the proposed detached single-storey dwelling following demolition of existing outbuildings; to allow alterations to roof and 2 no. dormers to front elevation.

APPLICATION TYPE: FULL APPLICATION

DATE REGISTERED: 28 March 2019

TARGET DATE: 17 May 2019

LISTED BUILDING: NOT LISTED

CONSERVATION AREA: NO

WARD: Seasalter

APPLICANT: Mr & Mrs T Down

AGENT: Graham Simpkin Planning

CASE OFFICER: Olly Ansell

WEB LINK: https://publicaccess.canterbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=CANTE_DCAPR_122346

RECOMMENDATION: Grant subject to safeguarding conditions

SITE LOCATION AND DESCRIPTION

1. The application site comprises a mobile home set to the rear of an otherwise undeveloped plot. The site also contains three sheds set towards the rear and centre, a kennel and a stable block which is positioned towards the front of the site.

2. To the immediate west lies a further mobile home, beyond which is open land. Built development in the area is characterised by a range of different styles of property with the prevailing character being single-storey bungalows.
3. The site straddles the boundary between the districts of Canterbury and Swale with the majority of the site lying within the Canterbury District.

RELEVANT PLANNING HISTORY

4. **CA//99/0396/WHI:** planning application refused and allowed on appeal permission in 2000 for the stationing of a residential caravan. The Inspector attached a condition stating that “The mobile home shall only be occupied by Mr. Mrs T Downs and members of their family. Thereafter the use shall cease and the mobile home shall be removed from the site.”
5. **CA//18/01810:** full planning permission granted in 2018 for the replacement of the existing mobile home and outbuildings on site with a detached single-storey dwelling.

PROPOSED DEVELOPMENT

6. A variation of condition application has been submitted to vary condition 2 (approved plans) of planning permission CA//18/01810 for a single-storey detached dwelling to allow for alterations to the roof and for the addition of two dormers to the front elevation of the approved dwelling.
7. As before, the proposed dwelling would be similar in its appearance to two bungalows to the east of the site. It would be single-storey with accommodation within the roof space with a barn hipped roof to the east and west. The proposed dwelling would also have a protrusion to the front containing a dormer window. An additional dormer is now proposed within the roof slope to the front elevation. The materials proposed are red facing brickwork beneath a clay tile roof, with white uPVC windows.

CONSULTATIONS

Natural England: Raise no objection subject to securing appropriate mitigation re: SAMMS.

Swale Borough Council: No comments received.

REPRESENTATIONS

8. Neighbouring occupiers adjoining the site were notified in writing and a site notice was displayed adjacent to the application site. One representation was received in support of the application, making the following comment:

- This application will improve the overall appearance of the property.

DEVELOPMENT PLAN POLICIES

Canterbury District Local Plan 2017

SP1 - Presumption in favour of sustainable development unless material considerations indicate otherwise.

SP4 - Urban areas of Canterbury, Herne Bay and Whitstable to be principal focus for new development.

SP6 - Development that adversely impacts on SACs, SPAs or Ramsar Sites (alone or cumulatively) will not be permitted.

HD4 - New dwellings in the countryside only granted in specified circumstances.

DBE1 - All development to incorporate sustainable design and construction measures.

DBE3 - Development proposals to be of high quality, to be assessed against specific amenity, visual, landscape, accessibility and highways criteria.

DBE4 - New housing to have acceptable standard of accommodation, having regard to national minimum space standards and to provide refuse and cycle storage and outdoor space.

LB5 - Development not permitted where it may have an adverse impact on the integrity of an SAC, SPA or Ramsar site.

T9 - Parking and cycle provision to have regard to identified standards.

ASSESSMENT

9. The application is brought before the Planning Committee to determine as the recommendation would be a departure from Local Plan policy. The main considerations in the assessment of this application are:

- Principle
- Character and appearance
- Living conditions
- Highway safety and parking
- Ecology

Principle

10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

11. The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development. Policies SP1 and SP4 of the Local Plan 2017 seek to steer new residential development to allocated sites or existing urban areas, local centres and larger villages where such development can benefit from existing infrastructure and facilities while having less impact on the countryside. Paragraph 1.58 of the Local Plan also states that new housing development should be primarily concentrated in the urban centres of the district with new development in the rural settlements being limited, proportionate to their scale and position in the settlement hierarchy.

12. The application site lies to the edge of the District and is not within a settlement identified for development within the Local Plan. As a result, it is considered that the site lies within the countryside for the purposes of planning policy. Policy HD4 of the Local Plan 2017 sets out the circumstances where permission may be granted for new dwellings in the countryside. No evidence has been submitted to demonstrate that the policy tests are met. The proposed development would therefore be contrary to policies SP1, SP4 and HD1 of the Local Plan 2017.
13. Notwithstanding the above, planning permission was granted in 2018 for the erection of a single-storey detached dwelling on the site. This permission represents a realistic fallback for the applicants as the development is still implementable. The principle of the application is therefore considered to be acceptable subject to the considerations set out below.

Character and appearance

14. Section 12 of the NPPF states that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place; respond to local character and history; reflect the identity of local surroundings and materials and are visually attractive as a result of good architecture and appropriate landscaping. Policy DBE3 of the Local Plan 2017 accords with this, requiring new proposals to be of high quality design which responds to the objectives of sustainable development. Policy DBE3 also requires that development should be considered against a range of criteria including its visual impact, the form of the development in terms of the efficient use of land, layout, landscape, density and mix, scale, massing, materials, finish and architectural detail.
15. The application site incorporates a plot of open land which, whilst having a mobile home stationed upon it, is not considered to detract from the rural character and appearance of the surrounding area. Whilst officers consider that the development of this open land would further erode the countryside and would lead to unacceptable harm to the character and appearance of the surrounding area, this is not considered to be a sustainable objection given the realistic fallback of the previous permission.
16. The proposed dwelling would be single storey with accommodation in the roofspace and with a pitched roof similar in appearance and size to the two bungalows to the east. The development along Dargate Road and Highstreet Road comprises a variety of single-storey and two-storey dwellings which vary in design, scale, massing and materials. The design of the proposed dwelling is considered to fit with the pattern of development along Highstreet Road and would sit comfortably within the plot. The proposed materials are considered to be acceptable and would not appear incongruous within the streetscene.
17. Officers consider the proposed dwelling to be acceptable in design terms and would not harm the character and appearance of the streetscene. The proposal would, therefore, be in accordance with policy DBE3 of the Local Plan 2017 and Section 12 of the NPPF

Living conditions

Existing residents

18. Paragraph 127 of the NPPF states that planning decisions should aim to secure a good standard of amenity for all existing and future occupants of land and buildings. In line with this, policy DBE3 of the Local Plan 2017 states that the Council will consider the privacy and amenity of neighbouring buildings and future occupiers, including potential overshadowing, loss of outlook and loss of sunlight. Furthermore, development must avoid resulting in an unacceptable impact in terms of polluting elements such as noise, dust, odour, light, vibration and air pollution.
19. Given the separation distance with neighbouring properties on each side of the plot, officers consider that the proposal would not be harmful to the neighbours' living conditions and would therefore accord with policy DBE3 of the Local Plan 2017 and the NPPF.

Future occupiers

20. Policy DBE3 of the Local Plan 2017 states that the privacy and amenity of future occupiers of proposed development will also be considered. Policy DBE4 states that all new housing proposals should have an acceptable standard of accommodation in terms of internal layout, room sizes and amenity space.
21. The proposed dwelling would exceed the Government's minimum internal space standards for a 4 bedroom dwelling. The proposed dwelling would have a good level of private amenity space and the plans show space for refuse and recycling, along with storage space for cycles. It is therefore considered that the proposal would offer an acceptable level of accommodation for future occupiers, in accordance with policies DBE3 and DBE4 of the Local Plan 2017.

Highway safety and parking

22. Policy T9 of the Local Plan 2017 states that Kent County Council's guide to residential vehicle parking will be applied when assessing new development. Policy DBE3 of the Local Plan 2017 states that when assessing design quality, safe movement within and around a proposed development must be a consideration.
23. The proposed development includes three spaces to the front of the site for parking, in accordance with the minimum requirements under policy T9 of the Local Plan 2017. The proposed parking would utilise an existing access onto the highway and it is therefore considered that the proposal is acceptable in terms of highway safety.

Ecology

24. Under the provisions of the Habitats Regulations, the Council is required to consider the potential impacts of new development on European-designated sites including Special Protection Areas (SPA), Special Areas of Conservation (SAC) or Ramsar

sites and where appropriate mitigate the effect of proposed development upon such protected sites. The NPPF and policies LB5 and SP6 of the Local Plan 2017 accord with this.

25. It is considered that the proposal will place increased pressure on the special character and ecological importance of the Thanet Coast and Sandwich Bay SPA and the Thames, Medway and Swale Estuaries SPA which without mitigation would be detrimental to the ecological importance of the area. The applicant has completed a legal agreement within the previously approved application and has paid the necessary contribution towards the implementation of a management plan to mitigate this impact. An appropriate assessment has been carried out concluding that with the mitigation the proposal would not have an adverse impact on the protected SPA and Ramsar sites.

26. The proposal is therefore acceptable on ecology grounds and accords with policies LB5 and SP6 of the Local Plan 2017, the NPPF and the Habitat Regulations.

RECOMMENDATION

27. The principle of the development in this location is considered to be acceptable given the realistic fallback of the previous application being implementable. The proposal is considered to be acceptable in its design, to have an acceptable relationship with neighbouring properties and to provide adequate accommodation and parking for future occupiers. For these reasons, the application is recommended for approval, subject to safeguarding conditions.

DRAFT CONDITIONS FOR DECISION NOTICE

Application No: CA//19/00533/FUL

Proposal: Variation of condition 02 (approved drawings) of planning permission reference CA/18/01810/FUL for the proposed detached single-storey dwelling following demolition of existing outbuildings; to allow alterations to roof and 2 no. dormers to front elevation.

Location: The Paddock, Highstreet Road, Hernehill, Whitstable, CT5 3AH

CONDITIONS:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of 14/12/18.

REASON: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby approved shall be carried out in accordance with the submitted drawings:

- 03 B [Received 16/05/19]
- 04 A
- 05 A
- 06 A [Received 22/03/19]

REASON: To secure the proper development of the area.

- 3 Prior to the first occupation or use of the development, the area shown on the deposited plan for the parking and manoeuvring of vehicles shall be operational prior to any part of the development hereby approved being brought into use. The area agreed shall thereafter be maintained for that purpose.

REASON: In the interests of highway safety and in accordance with policy T9 of the Canterbury District Local Plan 2017.

- 4 Prior to the first occupation of the development, the secure cycle parking facilities as shown on the approved drawing shall be provided and thereafter maintained.

REASON: In the interests of promoting increased cycling in accordance with the National Planning Policy Framework and in accordance with policies T1, T9 and DBE4 of the Canterbury District Local Plan 2017.