

Location No: 21/2520/FH

Location of Site: Boyke Bungalow, Boyke Lane, Rhodes Minnis, Kent CT4 6XN

Development: Erection of a replacement dwelling.

Applicant: Mr & Mrs Williams

Agent: Adam Woodbridge

Officer Contact: Helena Payne

SUMMARY

This report considers whether planning permission should be granted for the demolition of the existing dwelling and replacement with a chalet style, detached bungalow, with garage. It is considered that the proposal represents good design that would contribute positively to the character of the street scene and wider AONB.

RECOMMENDATION:

Members resolve that, had an appeal against non-determination not been submitted, planning permission would have been granted subject to the conditions set out at the end of the report and any others that the Chief Planning Officer deems to be necessary.

1. INTRODUCTION

This application is the subject of an appeal against non-determination and is being reported to Members for consideration at the request of the Ward Member and due to the objection raised by the Parish Council. The Committee must determine whether, had the appeal not been submitted, planning permission would have been granted or refused.

2. SITE AND SURROUNDINGS

- 2.1. The site is on the eastern side of Boyke Lane, a rural lane on the outskirts of the village of Rhodes Minnis. The site is outside any defined settlement boundary as set out in the Councils Local Plan. The site is within the Kent Downs Area of Outstanding Natural Beauty (AONB) and the locally designated Special Landscape Area (SLA).
- 2.2. There are a mix of residential properties in the immediate area, predominantly single storey and chalet style (1.5 storey) dwellings. The existing dwelling on site forms one half of a pair of semi-detached bungalows, which sits amongst a small cluster of residential dwellings, within large plots, interspersed by open fields. The existing bungalow is in a poor state of repair but sits back from Boyke Lane, within a large plot. In addition to the neighbour to the southeast (to which the existing dwelling is joined), there is also an immediate neighbour to the northwest of the application site. The application site has an existing vehicular access from the highway, and dense

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landscaping in the form of mature trees and vegetation along the northwestern and southwestern boundaries.

2.3. The land slopes relatively steeply from southeast to north west, with the existing property on site being on higher ground to its neighbour to the north west.

2.4. The existing site layout is shown in Figure 1 and 2 below:



Figure 1



Figure 2

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

3. PROPOSAL

- 3.1 Planning permission is sought for the demolition of the existing dwelling and construction of a 3-bedroom, 1.5 storey chalet style detached replacement dwelling and garage with associated external works.
- 3.2 The proposed dwelling would be traditional in design and 1.5 storeys in height providing chalet style accommodation. The land levels differ significantly across the site, with the land sloping from southeast to north west. The house would measure approximately 7.3m from the highest point of the land and just over 8m from the lowest.
- 3.3 The dwelling would feature a front gable projection and gabled dormers within the roof space. To the rear, full height glazing would be installed within the gabled projection to the rear as well as large bifold doors accessing the garden. At ground floor, the proposed dwelling would provide a study, bedroom, kitchen, utility room, W.C, dining room and living room. Two further bedrooms and a bathroom are proposed at first floor level. The proposal also includes for a detached garage, referencing design features proposed in the main dwelling.



Figure 4: proposed block plan and site layout

3.4 The materials proposed are:

- Red brick walls
- Tiled roof
- Weatherboarding

3.5 The image below, figure 5, shows the proposed street scene and front elevation, with figure 6 showing the proposed rear elevation.



Figure 5: Street scene and front elevation



Figure 6: Rear elevation

3.6 The remaining images below show the proposed structure when viewed from northwest and south eastern vantage points - sections A-A, B-B, C-C and D-D, as illustrated in figure 7.

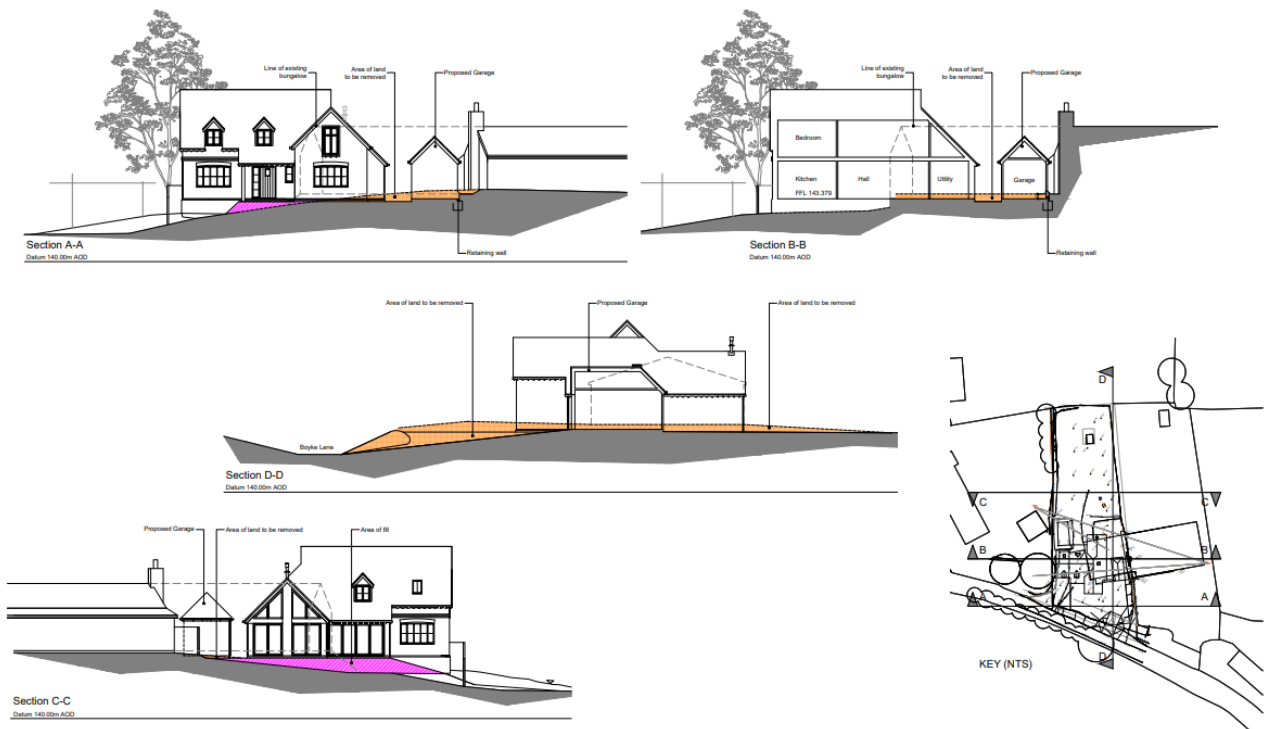


Figure 7: Sections

3.7 The vehicular access on the southwest site boundary would be retained, with off street parking to be provided to the front of the new dwelling.

3.8 With regard to landscaping, no trees or hedges are shown to be removed to allow for this development.

3.9 In addition to plans and drawings, the applicant has submitted the following documents in support of the application:

Design & Access Statement

The Design and Access Statement considers the context of the building, access and parking, future living conditions, nutrient neutrality matters and provides a summary of the proposed scheme with information on the floor plans and site layout. It concludes that the proposal would preserve the character of the site, street scene, surrounding area and AONB and that the proposed dwelling would not result in harm to neighbouring amenity and would provide a high level of accommodation for future occupants.

4. RELEVANT PLANNING HISTORY

4.1 The most relevant recorded planning history is as follows:

20/0994/FH	Erection of a two-storey detached dwelling following demolition of the existing semi-detached bungalow, erection of a detached garage following demolition of the existing and associated landscaping and hardstanding to form a new driveway area.	Withdrawn
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CONSULTATION RESPONSES

5.1 The consultation responses are summarised below, with full responses available on the planning file.

Consultees

Elham Parish Council: Object on the following grounds;

- Overlooking to neighbouring gardens.
- Adverse impact on the AONB from the roadside and adjoining footpath
- Disproportionate within the plot
- No consideration of biodiversity enhancements

Kent Downs AONB Unit: No comment received.

KCC Ecological Advice Service: No objection. The County Ecologist is satisfied that no ecological information is required to be submitted with the planning application but has confirmed that the site falls within the Stodmarsh Nutrient Impact Area and has also requested a condition be imposed relating to biodiversity and ecological enhancements

KCC Archaeology: No objection

- Proposed development may affect remains of archaeological interest, which could be addressed via condition for a programme of archaeological work.

Arboriculture Manager: No objection.

Natural England: No objection

Environmental Health Officer: No Objection subject to a standard contamination condition.

Local Residents Comments

5.2 The application was advertised by way of a site notice and by the neighbour notification of 4 neighbours of the site, Four representations have been received, with their comments summarised below:

- Height of the proposed dwelling is not in keeping with its surroundings.
- Appearance of proposed dwelling out of keeping with others in the area
- Overlooking.
- Loss of view [**CPO comment – Members will be aware that this is not a material planning consideration**]
- Dwelling should follow the topography of the land. Would appear as 3 storeys from neighbouring dwelling
- Harm to AONB
- Impact on sunlight/daylight on neighbouring dwelling
- No objection to a new bungalow which would be more in keeping.
- Party wall act not agreed [**CPO comment – Members will be aware that this is not a material planning consideration**]

5.3 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 Core Strategy Review (2022) and the Places and Policies Local Plan (2020) which has now been adopted.

6.2 The relevant development plan policies are as follows:

Core Strategy 2022:

DSD – Delivering Sustainable Development
SS1 (District Spatial Strategy)

SS3 (Place-Shaping and Sustainable Settlements)
CSD3 (Rural Development)

Places and Policies Local Plan 2020:

- HB1 (Quality Places Through Design)
- HB3 (Internal and External Spaces)
- HB5 (Replacement dwellings)
- T2 (Parking Standards)
- T5 (Cycle Parking)
- NE2 – Biodiversity
- NE3 (Kent Downs Area of Outstanding Natural Beauty)
- NE6 – Land Stability
- NE7 (Contaminated Land)
- CC2 – Sustainable Design & Construction

The Kent Downs Area of Outstanding Natural Beauty Management Plan 2014 – 2019
SD1, SD2, SD3 & SD8 .

Government Advice

National Planning Policy Framework (NPPF) 2021

- 6.3 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.

Paragraph 11	Presumption in favour of sustainable development
Paragraph 47	Applications for planning permission be determined in accordance with the development plan
Paragraphs 104 -108	Transport and Access
Paragraph 126-132	Achieving well designed places
Paragraph 175	Protect and enhance biodiversity

6.5 National Planning Policy Guidance (NPPG)

- Design: Process and Tools
- Historic Environment
- Land Stability
- Natural Environment

7. APPRAISAL

- 7.1 The replacement of existing dwellings in the countryside and AONB is acceptable as a matter of principle in accordance with Policy HB5 of the PPLP. As a replacement dwelling, the proposed development would not give rise to any material impact on the special interest of the Stodmarsh lakes.

7.2 The comments of KCC Archaeology are noted. A condition is recommended to be imposed in accordance with their representation.

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

- a) Design, visual amenity and the AONB
- b) Impact on residential amenity
- c) Highways
- d) Biodiversity
- e) Trees and landscaping

a) Design, Visual amenity & AONB

7.4 There are a number of rural settlements within the AONB that share similar characteristics as Rhodes Minnis (such as Stelling Minnis for example) and form part of the character of the AONB which Local Plan policy NE3 and NPPF paragraph 172 seek to protect.

7.5 Policy HB1 of the PPLP requires development to make 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 and materials.

7.6 The immediate locality is characterised by individual and semi-detached dwellings in large plots. The majority of neighbouring dwellings are single storey bungalows, but there are other chalet bungalows present within the street scene, including on the junction where Boyke Lane meets Magpie Lane. Whilst the character of the application site would alter from semi-detached to a larger detached unit, given the character of the immediate surroundings, the proposal would accord with the existing pattern of development, conforming to the existing loose established building line.

7.7 Further to this the proposed dwelling is of an individual design, encompassing some traditional features such as dormers and gabled roof design, making use of traditional materials. Whilst the land level differences on site result in an increased visual prominence, the proposed dwelling would represent a visual improvement to the site, with the existing dwelling currently being of limited architectural merit. The proposed design of the replacement dwelling would conserve and enhance its countryside and AONB setting.

7.8 It is noted that the height and footprint of the proposed replacement dwelling would be greater than the existing, its visual prominence exacerbated by the change in land levels (sloping down from the south east to north west). However, as set out above, the dwelling would not be out of character with dwellings in the immediate vicinity of the site. The proportions of the proposed dwelling are considered congruent with those in the surrounding area, and the plot size commensurate with others in the vicinity. Part of the character of Rhodes Minnis is its sprawling and open character. The proposal would not result in the erosion of these green areas, nor would it fundamentally change

the character of the village of clusters of houses interspersed with Common Land and green field sites, and it would not alter the density or layout of development in the settlement.

- 7.9 In light of the above, it is considered that the proposed dwelling is acceptable, representing a high standard of design, and one that respects the prevailing pattern of development, maintaining the open character of the immediate street scene, wider village and AONB. However, it is considered reasonable to restrict permitted development rights associated with the property to enable the Local Planning Authority to consider the impact of any extensions to the dwelling on the character and appearance of the site and wider AONB and a condition is recommended on these grounds. Subject to the above, the development is considered to accord with Policies HB1, HB5 and NE3 of the PPLP.

b) Residential amenity

Existing occupiers

- 7.10 There would be sufficient separation from the dwellings to either side to avoid any significant overshadowing, loss of light and overbearing impact.
- 7.11 Concern has been raised by neighbours of the site with regard to the impact of the proposed dwelling, exacerbated by its proposed increase in height when compared to the existing as well as the land level differences on site. The separation distance between the proposed dwelling and the neighbour to the northwest (Coppendale) is approximately 19m. The garage serving this dwelling is located in between that property and the site of the proposed dwelling and, due to the orientation of the proposed dwelling and the existing neighbouring dwelling, and the lack of any windows on the flank elevation facing this property, any direct overlooking between windows would be at an oblique angle only and would not be materially harmful. Any overlooking to the garden area of this dwelling would be to the rear of the garden and not the private area immediately adjacent to the dwelling itself.
- 7.12 The neighbour to the southeast (Rivendell Cottage), a single storey bungalow to which the existing dwelling is adjoined, due to the separation distance of approximately 5m (1.7m from the side of the new garage), the proposed dwelling would not result in harm to neighbours in terms of loss of light or overbearing impact. The design of the new dwelling is such that it draws the roofline away from this neighbour. This not only visually improves its relationship with Rivendell Cottage but by reducing the bulk and mass of the building at the southeastern elevation, it further reduces any potential impact on the residential amenity of the occupiers of this dwelling.
- 7.13 In addition, the proposed detached garage, due to its location within the site, away from the shared boundary, in addition to its modest scale, would not result in harm to Rivendell Cottage by way of loss of light or overbearing impact.
- 7.14 A small window and door are proposed within the southeast flank elevation of the proposed dwelling, with a small roof light within the first floor providing light into a stairwell. Any views from the ground floor openings would be obstructed by the proposed garage. As such, the proposal would not give rise to a harmful impact on residential amenity.

7.15 The proposed development would comply with the policies of the PPLP and is acceptable in this regard.

Proposed Occupiers

7.16 Policy HB3 in the Places and Policies Local Plan sets out space standards internally and externally. In respect of the internal space standards, internal floor spaces exceed the minimum required by the Nationally Described Standard, with good natural daylight provided to each room.

7.17 In respect of the external amenity area, the detached property would benefit from a large garden area to the rear, in excess of 10m in compliance with Policy HB3 of the PPLP.

c) Highway Safety / Cycle Parking

7.18 The proposal would utilise the existing access, which is considered acceptable in highway safety terms.

7.19 The proposal includes for a single garage on site, together with off-street parking for the property in accordance with the requirements of Policy T2 of the PPLP. In line with the Government's policy to increase the use of Ultra Low Emission Vehicles, one Electric Vehicle charging point will be required, and is recommended to be secured by condition. Details of the driveway and measures to ensure surface water run off on to the highway is avoided are also recommended to be secured by condition.

7.20 There are no objections to the proposal on highway safety grounds.

d) Biodiversity

7.21 No ecological information has been submitted with this application. However, the County Ecologist has advised that the proposed development has limited potential to result in ecological impacts. The garden is regularly mown and the photos indicate that the building on site is in partial reconstruction and very open reducing the opportunities for features for roosting bats to be present. As such there is no requirement for ecological information to be submitted with the planning application.

7.22 The application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting or the installation of bat/bird nest boxes. Measures to enhance biodiversity are recommended to be secured via condition.

7.23 The development is considered to accord with Paragraph 180 of the NPPF, subject to the above-mentioned conditions being imposed.

e) Trees

7.24 There are no TPOs on or adjacent to the site. Mature landscaping does exist on-site, and some has been outlined on the plan however, given the lack of information it would be appropriate to seek further details. This is recommended to be secured by conditions.

Environmental Impact Assessment

7.25 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1 & 2 of the Regulations and it is considered to fall within Schedule 2, Part 10b, being an urban development project. The site does not exceed any of the thresholds. Consequently, a screening opinion has been carried out by the Council and has concluded that the development is not EIA development and as such an Environmental Statement was not required.

Local Finance Considerations

7.27 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.

7.28 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. This application is liable for the CIL charge, which is £157.35 per square metre in this location.

Human Rights

7.33 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

7.34 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.

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

Working with the applicant

- 7.36 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 It is considered that the proposal is of good design that would contribute positively toward the character of the street scene and AONB (being an improvement over the existing dwelling). The proposed development would not give rise to harm to visual or residential amenity, or highway safety.
- 8.2 Given the above, it is recommended that Members resolve that, had an appeal against non-determination not been submitted, planning permission would have been granted subject to the conditions below.

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. RECOMMENDATION

That Members resolve that, had an appeal against non-determination not been submitted, planning permission would have been granted, subject to the following conditions:

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.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:
 - 21_91_01 Location & Block Plan, received 29 March 2022
 - 21_91_06 Rev F Ground Floor plan, received 29 March 2022
 - 21_91_07 Rev F First Floor Plan, received 29 March 2022
 - 21_91_08 Rev D Front Elevation, received 29 March 2022
 - 21_91_09 Rev D Side Elevation, received 29 March 2022
 - 21_91_10 Rev D Rear Elevation, received 29 March 2022
 - 21_91_11 Rev D Side Elevation, received 29 March 2022
 - 23_91_12 Rev D Garage Plans and Elevations, received 29 March 2022

- 21_91_13B Proposed Sections, received 29 March 2022

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

3. Notwithstanding the submitted details, no construction above foundation level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted, inclusive of (windows, doors, bricks, tiles, cladding, rainwater goods and their routing/position), 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.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) (with or without modification) no development falling within Classes A or B of Part 1 of Schedule 2 to the said Order shall be carried out without the prior consent in writing of the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and to conserve or enhance the landscape quality and natural beauty of the Kent Downs AONB.

5. No development shall take place on site until details of how the development will enhance biodiversity has been submitted to, for the prior written approval of the Local Planning Authority. These details shall include the installation of bat and bird nesting boxes along provision of generous native planting where possible. The approved details will be implemented and thereafter retained.

Reason: In the interest of enhancing ecology and biodiversity.

6. No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

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Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

8. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

9. No development beyond the construction of foundations shall take place until details to demonstrate that the dwellings 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.

Water efficiency calculations should be carried out using 'the water efficiency calculator for new dwellings' <https://www.gov.uk/government/publications/the-water-efficiency-calculator-for-new-dwellings>

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

10. If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

11. The parking area shown on the submitted plan shall be provided and made available prior to the first occupation of the dwelling hereby approved, shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling hereby permitted.

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Reason: In the interests of highway safety and convenience.

12. Prior to the first occupation of the dwelling hereby permitted, one electric vehicle charging point shall be provided, in accordance with specifications and in a location that have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of sustainable development and reducing carbon emissions.