

Application No: 22/2185/FH

Location of Site: Garage Block Adjoining Southwinds, Cliff Road, Hythe CT21 5XW

Development: Demolition of existing garage and the construction of 1no. single storey dwelling including parking and landscaping

Applicant: Mr Gavin Shields

Agent: Mr Oliver Ricketts

Officer Contact: Emma Forde

SUMMARY

The application site comprises a garage block with three garage bays within the defined settlement boundary of Hythe, along Cliff Road. The application seeks permission for demolition of the existing garage block and the construction of 1no. two storey dwelling including parking and landscaping. The proposal would fail to reflect the prevailing pattern of development in the area, which is characterised by detached dwellings in large, spacious plots, and as such would not visually respect the character and appearance of the street scene and wider area overall. In addition to this, the application would fail to provide a policy compliant garden space, would not provide adequate off-street parking, and insufficient information has been provided with regards to the potential ecological impact on bats which may be present on site. As a result, the application is recommended for refusal.

RECOMMENDATION:

That planning permission be refused for the reason(s) set out at the end of the report.

1. INTRODUCTION

1.1. The application is reported to Committee because The Chief Planning Officer believes the application raises issues which should be considered by the Planning and Licensing Control Committee.

2. SITE AND SURROUNDINGS

2.1. The application site comprises a garage block with three single storey garage bays. The garage is not in active use and has not been for some time as stated in the Planning Statement. It is physically separated from both neighbouring properties by existing boundary treatment and has its own access from Cliff Road. The site currently has an open frontage onto Cliff Road, which is a private lane which slopes upwards towards the application site, and beyond. The adjoining dwellings (Linden and Southwinds) are both detached properties with first floor accommodation in the roof space.

2.2. The application site is within the settlement boundary of Hythe, along Cliff Road which is characterised by a mix of single storey and 1.5 storey residential dwellings sited on reasonably sized plots. The site is rectangular in shape, with a depth which is significantly less than surrounding plots. As a result, the neighbouring property's (South Winds) rear garden wraps around the rear of the site.

2.3. The application site is located within an area of known land instability where instability issues are probably present or have occurred in the past. To the north of the application site is an Area of Special Character. The site is within a Kent Landscape Area (Wealden Greensand) and an Archaeological Notification Area.

2.4. Figure 1 below shows the location of the site in Cliff Road.

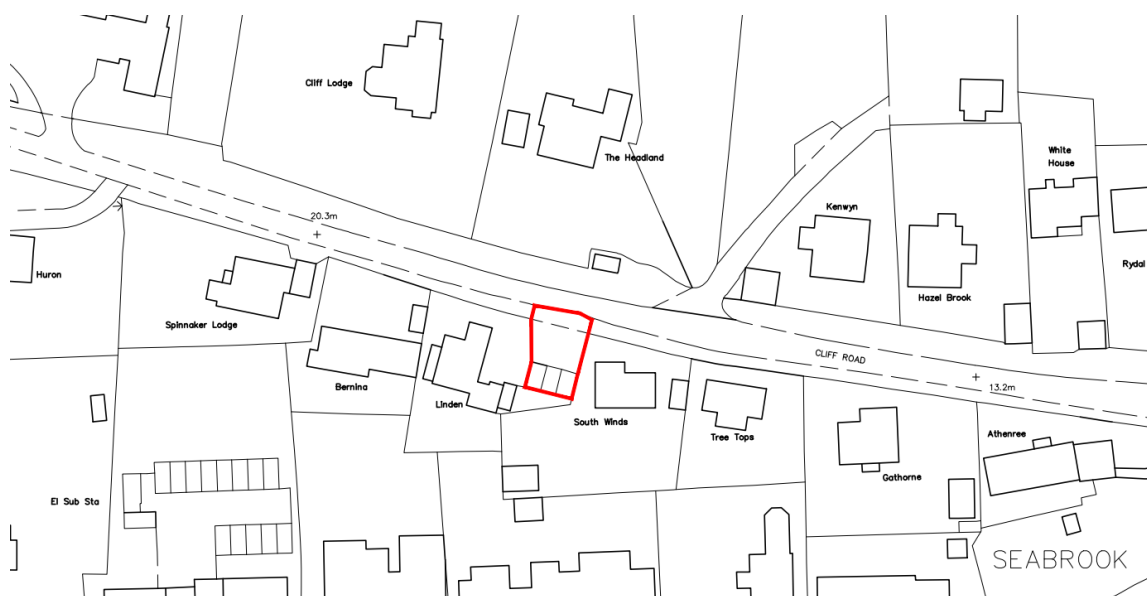


Figure 1: Site location plan.

3. PROPOSAL

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- 3.1 Full planning permission is sought for the demolition of an existing garage block and the construction of one, two storey dwelling including parking and landscaping.
- 3.2 The site is currently occupied by a garage block comprising three bays, which are proposed to be demolished.
- 3.3 The proposal would result in a 1-bedroom bungalow, with an off-street car parking space to the front of the site in a 'layby' style design and a modest enclosed amenity area to the rear. As a result of the nature of the site, the proposed dwelling would sit forward of its neighbours in the streetscene. The design is comprised of gabled, hipped, and flat roof forms. In terms of external materials, red slate roof tile, red stock bricks, timber panelling and render are proposed. The proposed dwelling would measure approximately 7.9 metres in width, 8.2 metres in depth, and 5.5 metres in height. The proposed development is shown in Figure 2 and 3 below.



Figure 2: Proposed elevations

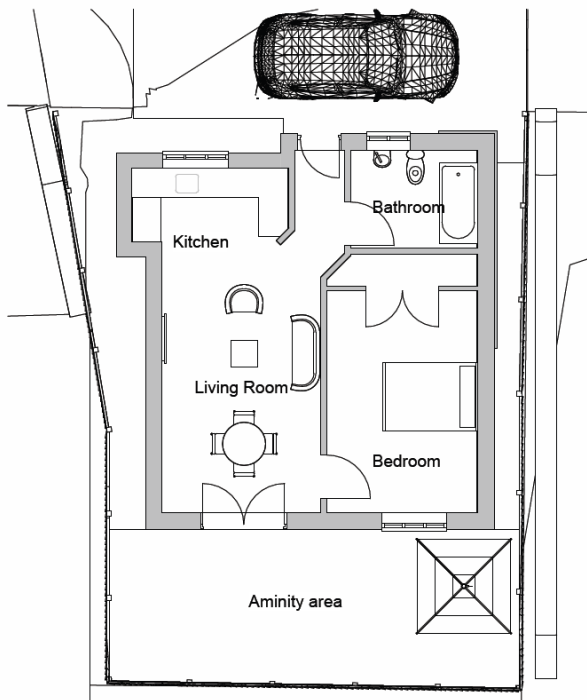


Figure 3: Proposed Floor Plan

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

Planning Statement

3.5 This document briefly describes the context of the site, the surrounding area, the planning history, a description of the proposed development, the planning policy context. The document also considers the principle of development along with other planning considerations. The report concludes that the development is acceptable and conforms to planning policy.

Slope Stability Report

3.6 This document briefly describes the site and assesses the geology of the land, and the land stability of the site. The report concludes that, with the assumptions made in the report, the buildings influence on the slope stability is not likely to be significant.

4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history for the site is as follows:

Y18/1282/FH - Erection of detached, two-bedroom dwelling following demolition of existing garages.

Refused for the following reasons:

1. The proposed development would provide no private external amenity space for the proposed dwelling due to the side and rear elevations immediately abutting the site boundaries, resulting in an unacceptable level of amenity for the future occupants of the property, contrary to saved policy SD1 and emerging policy HB3 which requires a minimum garden depth of 10 metres for new dwellings.

2. The proposed dwelling would extend to the side and rear boundaries leaving no side or rear gardens, with only a small front garden. The proposal would therefore appear cramped within the site and represent overdevelopment of the site, failing to reflect the pattern of development in the area which is characterised by detached dwellings in large, spacious plots. As such, the proposal fails to respect the character and appearance of the streetscene and would be harmful to its setting, contrary to saved policy BE1 and emerging policy HB1 which require development to be of a high standard of design which respects development in the locality.
3. The proposed flat roofed dwelling would have a squat appearance which would fail to reflect the character of surrounding development which is characterised by a variety of pitched roofs. As such, the proposed dwelling is considered to be of poor design which would be harmful to the character and appearance of the streetscene and would fail to respect the character of development in the locality and be contrary to saved policy BE1 and emerging policy HB1 which require a high standard of design which respects development in the locality, particularly in regard to building form.

Y19/0680/FH - Erection of detached, two-bedroom dwelling following demolition of existing garages.

Refused for the following reasons in 2019:

1. The proposed development would provide minimal private external amenity space for the proposed dwelling due to the eastern boundary immediately abutting the site boundary, and the western and rear boundaries being sited up to 1.5 metres from their respective boundaries resulting in an unacceptable level of amenity for the future occupants of the property, contrary to saved Local Plan Policy SD1 and the emerging Places and Policies Local Plan Submission Draft Policy HB3 which requires a minimum garden depth of 10 metres for new dwellings.
2. The proposed dwelling would extend to the eastern site boundary and up to 1.5 metres from the western and rear boundaries leaving minimal side and/or rear amenity space, with only a very small front garden. The proposal would therefore appear cramped within the site and represent overdevelopment of the site, failing to reflect the pattern of development in the area which is characterised by detached dwellings in large, spacious plots. As such, the proposal fails to respect the character and appearance of the street scene and would be harmful to its setting, contrary to saved Local Plan Policy BE1 and emerging People and Places Submission Draft Policy HB1 which require development to be of a high standard of design which respects development in the locality.
3. The proposed dwelling would have an unremarkable appearance which would fail to reflect the character of surrounding development which is characterised by a variety of pitched roofs. The top heavy design with the roof dominated by a large dormer window and the featureless ground floor facade fronting Cliff Road is considered to be of poor design which would be harmful to the character and appearance of the streetscene and would fail to respect the character of development in the locality and be contrary to Local Plan Policies SD1 and BE1 and emerging Places and Policies Local Plan Submission Draft Policy HB1 which requires a high standard of design which respects development in the locality, particularly in regard to building form.

20/2058/FH - Demolition of existing garages and the construction of one-bedroomed apartment.

Refused February for the following reasons in 2021:

1. The proposed apartment would extend up to east, south and west boundaries of the site leaving minimal rear amenity space, with only a very small forecourt. The proposal would therefore appear cramped within the site and represent overdevelopment of the site, failing to reflect the pattern of development in the area which is characterised by detached dwellings in large, spacious plots. As such, the proposal fails to respect the character and appearance of the streetscene and wider area, contrary to People and Places Local Plan Policy HB1 which requires development to be of a high standard of design which respects development in the locality and the aims of the NPPF (2019).
2. The proposed apartment, with forward projecting two storey gable and large undercroft, by reason of its scale, bulk, massing, footprint and design would fail to integrate with the site and streetscene, and as such it would have a detrimental effect on the character and appearance of the locality. The proposed development would erode the characteristics of the site and detract from the established pattern and form of development within the streetscene contrary to policies SS1 and SS3 and of the Core Strategy Local Plan, Local Plan Places and Policies policy HB1 and the aims of the NPPF, all of which require a high standard of design and layout and seek to ensure development accords with existing development in the locality.

21/0879/FH - Demolition of existing garages and the construction of one bedroomed apartment resubmission of 20/2058/FH.

Refused for the following reasons in June 2021:

1. The proposed building would extend in close proximity to east, south and west boundaries of the site leaving minimal, external amenity space, and only a very small forecourt. The proposal would therefore appear cramped within the site and represent overdevelopment of the site, failing to reflect the pattern of development in the area which is characterised by detached dwellings in large, spacious plots. As such, the proposal fails to respect the character and appearance of the streetscene and wider area, contrary to People and Places Local Plan Policy HB1 which requires development to be of a high standard of design which respects development in the locality and the aims of the NPPF (2019).
2. The proposed building, with forward projecting two storey gable and large undercroft, by reason of its scale, bulk, massing, footprint and design would fail to integrate with the site and streetscene, and as such it would have a detrimental effect on the character and appearance of the locality. The proposed development would erode the characteristics of the site and detract from the established pattern and form of development within the streetscene contrary to policies SS1 and SS3 and of the Core Strategy Local Plan, Local Plan Places and Policies policy HB1 and the aims of the NPPF, all of which require a high standard of design and layout and seek to ensure development accords with existing development in the locality.

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3. The size of the proposed bedroom falls short of the required GIA, and therefore would not meet the required National Described Space Standards, and policy HB3. The proposal would therefore create a new residential unit which would be detrimental to the amenities and living conditions future residents of the development. As such the development would be contrary to Local Plan policy HB1, HB3, the National Described Space Standards, and guidance contained within the NPPF 2019, which requires all developments to safeguard the amenity of future occupants.

22/2186/FH - Demolition of existing garage and the construction of 1no. two storey dwelling including parking and landscaping –

Refused for the following reason:

1. The proposed two-storey dwelling, by virtue of its design, scale, bulk, mass and position, would result in an unacceptably cramped form of development which would represent the overdevelopment of the site. The proposal would also fail to reflect the prevailing pattern of development in the area, which is characterised by detached dwellings in large, spacious plots, and as such would not respect the character and appearance of the streetscene and wider area overall, contrary to People and Places Local Plan Policy HB1 and the aims and objectives of the NPPF (2021).

5. CONSULTATION RESPONSES

- 5.1 The consultation responses are summarised below.

Consultees

Hythe Town Council: Object on the grounds of slope instability concerns, and concerns regarding inadequate parking. Concerns regarding issues with the height and density of the development, resulting in the development to be over-intensive and cramped on the site.

Southern Water: Means of disposal of foul drainage from the site were not provided. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

Environmental Health: No comment received.

Building Control Officer: No comment received.

KCC Ecology: Recommend that prior to determination, an Ecological Impact Assessment should be undertaken as the building has a likely suitability for protected roosting bats.

KCC Highways and Transportation: As Cliff Road is a private road, KCC has no jurisdiction on it in this instance.

Local Residents Comments

5.2 Neighbours directly consulted. Four letters objecting to the application were received.

5.3 I have read all of the letters received. The key issues are summarised below:

Objections

- Too close in proximity to neighbouring properties
- Stability issues
- Parking and access
- Gas pipelines could be affected by construction vehicles and piling
- Overdevelopment of the site
- The site is too small
- Minimal outside amenity space
- Construction vehicles would result in access issues in the area
- Access would be required to neighbouring properties for the construction and maintenance.
- Slope instability has not been fully assessed
- Not in keeping with the surrounding area or streetscene
- Loss of privacy for neighbouring properties
- Presentation of models is misleading in showing proximity to neighbours
- Building projects beyond the building line of the neighbouring dwellings

5.5 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 2013.

6.2 The relevant development plan policies are as follows: -

Places and Policies Local Plan 2020

- HB1 (Quality Places Through Design)
- HB3 (Space Standards)
- NE2 (protected species)
- NE6 (land stability)
- NE7 (contaminated land)
- T2 (parking standards)
- T3 (residential garages)
- T5 (cycle parking)

Core Strategy Review (2022)

- SS1 (district spatial strategy)
- SS2 (housing and economy growth)
- SS3 (place-shaping and sustainable settlements)
- SS5 (district infrastructure planning)

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

Supplementary Planning Guidance/Documents

Kent Design

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:-

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 14 – Application involving the provision of housing

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

Paragraph 119 – Effective Use of Land

Paragraph 124 – Achieving appropriate densities

National Planning Policy Guidance (NPPG)

National Design Guide October 2019

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) Future occupiers
- e) Ecology and biodiversity
- f) Contamination
- g) Drainage
- h) Highway safety

i) Land Stability

a) Principle of development and sustainability

- 7.2 The application site is within the defined settlement boundary of Hythe which is identified as a 'Strategic Town' in the settlement hierarchy of Core Strategy policy SS3 which has a strategic role of accommodating significant development, insofar as it is consistent with maintaining the historic character.
- 7.3 The principle of residential development on the site has already been accepted through the consideration of the previous planning applications. Therefore, the primary issues to be considered in the determination of this application are whether the previous grounds of refusal relating to overdevelopment of the site and harm to the character and appearance of the streetscene have been addressed.

b) Design/layout/visual amenity

- 7.4 As previously, the footprint of the proposed dwelling and building envelope would continue to cover a large proportion of the application site with only external space for a very small rear garden (8.6m x 3.3 m) and parking for one car to the front.
- 7.5 If approved, the development would retain a gap of approximately 0.5 metres from the eastern boundary and 0.8 metres from the western boundary at its closest point. Despite the amendments following the previous refusal (21/0879/FH), which include bringing the built form in from the eastern boundary and closer to the west, these changes are not considered sufficient to overcome the previous reason for refusal relating to the layout. The development would continue to present a cramped and over intensive development that would be out of keeping with the prevailing form and pattern of development and appear squeezed in a very restrictive plot, in between the two neighbouring properties and representing overdevelopment of the plot. The proposal would also be positioned forward of the other properties on the street scene (as seen in Figure 4: Proposed Site Plan), which would appear incongruous with the existing development along the road.

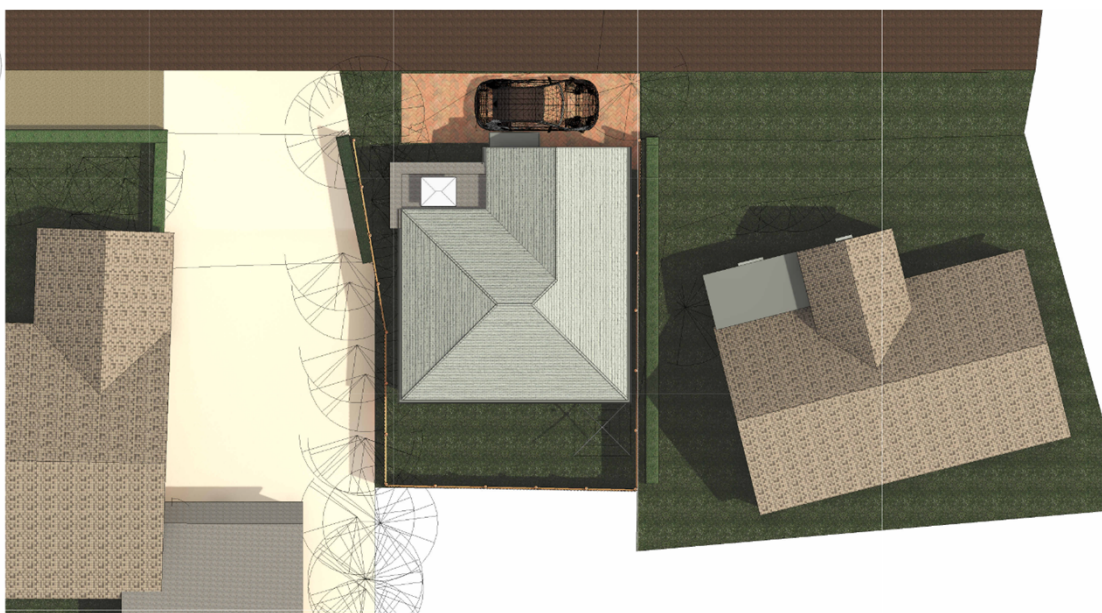


Figure 4: Proposed Site Plan

- 7.6 Whilst it is recognised that the existing garages on site extend to the boundaries, these are small, flat roofed, single storey, subservient buildings that present a different ancillary character rather than a residential dwelling which is approximately double the height. The existing garage block is set back from the principal elevation of the neighbouring dwellings. Therefore, the increase in the scale of development that would result from the erection of the dwelling would result in harm to the street scene and the overall character of the area.
- 7.7 In terms of scale and design, the surrounding development is characterised by traditional dwellings with a strong pitched roof vernacular. The proposed dwelling would have a large, hipped roof with 2.6 high eaves, and a pitched projection with its gable to the front elevation. The dwelling would extend beyond the established building line of Linden (west) and Southwinds (east), resulting in a dominant feature which is not characteristic of the area and would fail to maintain the visual quality of the street. Although the proposal differs the previous refusal under application 22/2186/FH (as listed within the proposal section above), the amendments are not considered to be sufficient to overcome the previous concerns under application 21/0879/FH.
- 7.8 The roofscape would include a hipped roof, a pitched roof, and a flat roof with a roof lantern. The mix of these roof forms at various heights on the front elevation are considered to result in a cluttered and disjointed front elevation which is considered to appear out of character in the context of the area. Officers are also concerned that the proposed materials, which would include a mixture of brick, weather boarding and render in a relatively small space would result in a design which appears cluttered, disjointed and overly busy with regards to the elevational treatments.
- 7.9 As such the proposed dwelling on such a restrictive plot would be of poor design due to being out of keeping with the character of the area resulting on harm to the character and appearance of the street scene.

c) Residential Amenity

- 7.10 Policy HB1 of the adopted Local Plan requires that consideration should be given to the residential amenities of both neighbouring properties and future occupiers of a development.
- 7.11 The proposal would not include any side elevation windows and would have a forward and rearward outlook only. There would be a distance of more than 25 metres between the rear elevation and no.93 Seabrook Road to the south of the site and a distance in excess of 30m between the front elevation of The Headland to the north of the site. These distances are considered to be sufficient separation distances which would not result in any significant overlooking.
- 7.12 A section of the rear garden of Southwinds to the east of the application site is located immediately to the south of the site. The garden to this property is L-shaped, with a large portion of the main garden directly to the rear of Southwinds and therefore south-east to the application site. As the proposal is for a single storey dwelling, the proposed fenestration at low level would not result in unacceptable overlooking into the garden from the proposal. As no elevations of the proposed boundary treatment have been

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submitted, if the application had been recommended for approval, a condition would have been attached for these details to be submitted and approved by the Local Planning Authority. However, views into this section of Southwind's garden are not considered to have an adverse impact on the amenity of occupants of this property as there would continue to be a large amount of garden space to the rear of the dwelling that would not be directly overlooked by the proposed dwelling.

- 7.13 The windows to the rear would serve a bedroom and a living room. One of the rear windows to the front would serve a bathroom, non-habitable room where, in the event of an approval, a condition could be imposed ensuring obscure glazing be fitted. The other window to the front would serve the kitchen. Overall, the proposal is not considered to result in undue loss of privacy to this neighbouring property sufficient to warrant refusal on these grounds.
- 7.14 The windows to the rear would serve a bedroom and a living room. One of the rear windows to the front would serve a bathroom, a non-habitable room where, in the event of an approval, a condition could be imposed ensuring obscure glazing be fitted. The other window to the front would serve the kitchen. Overall, the proposal is not considered to result in undue loss of privacy to this neighbouring property sufficient to warrant refusal on these grounds.
- 7.15 Linden, to the west of the application site, has a small garden to the rear and it is considered that views into this garden would be restricted by the main dwelling and its garage (which is located between Linden and the proposed unit). As such, the proposal is not considered to result in significant overlooking or loss of privacy to occupants of Linden.
- 7.16 Although the proposed dwelling would be positioned close to the side boundaries, shared with Southwinds and Linden, given the height of the proposal and the separation distances, the proposal would not result in a significant overshadowing or loss of light impact.
- 7.17 The comments received in objection to the application have been noted, however, for the reasons above the proposed development is not considered to have a significant impact on the amenity of neighbouring occupants.
- 7.18 It is also noted that impact on neighbouring amenity was not a reason for refusal on previous decisions at this site.

d) Future Occupiers

- 7.19 Local Plan Policy HB3 requires a 1-storey, 1 bedroom (2 person) dwelling to have a minimum internal space of 50sqm. The proposal has an internal floorspace of 50sqm and therefore would meet the floor space requirements as set out in policy, and as such it would provide sufficient internal space for the future occupants of the dwelling resulting in a good level of amenity.
- 7.20 In terms of external private space, the proposal would include a small area to the rear/south of the dwelling. This would be a narrow strip of amenity space between the rear elevation of the dwelling and the rear boundary of the site measuring 3.3m in depth and would be 8.6m in width. The narrow small nature of the proposed amenity space exacerbates the feeling of overdevelopment for the site. The proposal does not meet

the expected 10 metres of depth laid out in Policy HB3, and as a result is considered unacceptable and would result in poor external amenity space for future residents.

e) Ecology and biodiversity

7.21 No ecological information has been submitted with this application.

7.22 The garage block has a tiled, pitched roof. The photo provided in the planning statement indicates a high likelihood of gaps between the tiles in the roof. The building has a likely suitability for protected roosting bats that requires further investigation. As such, an Ecological Impact Assessment (EclA) should be undertaken by a suitably qualified ecologist.

7.23 KCC Ecology have recommended that an Ecological Impact Assessment should be submitted before the application is approved and should include the following:

- Details of the impacts of development proposals on the ecological baseline established via a Preliminary Ecological Appraisal (PEA) and any additional surveys undertaken;
- Details of any necessary and achievable ecological mitigation and/or compensation measures;
- Details of ecological enhancement measures, and;
- Provision of sufficient information to determine whether the project accords with relevant nature conservation policies and legislation.

7.24 As this has not been submitted there is insufficient information with regard to ecology and biodiversity for the Council to confirm that bats, a protected species, would not be harmed as a result of the proposed development. As such the application is unacceptable and is recommended for refusal on this ground. As the application is being recommended for refusal on other grounds also, this information has not been requested.

f) Contamination

7.25 Due to the nature of the previous use (garage block), there may be a level of land contamination found on site. As such, it would be considered reasonable to impose a planning condition (if permission were to be granted) requiring a contaminated land desktop study and any further investigation / remediation works prior to development commencing, in accordance with Local Plan policy NE7.

g) Drainage

7.26 If approved, a condition should be attached to the permission requiring the drainage details to be submitted and approved by the Local Planning Authority.

h) Highway Safety

7.27 Kent Highways Services IGN3 recommend 1 independently accessible parking space for 1 and 2-bedroom dwellings in this location.

7.28 One off-street parking space is proposed to the front of the proposed dwelling. This would measure approximately 8 metres in width and 2 metres in depth. KCC Dropped Kerb Application Guidance states that the minimum measurement required for a

parallel parking area should be 3 metres in depth by 6 metres wide. Policy T2 of the PPLP states that a parking space should measure 2.5 metres x 5 metres. In both instances, the 2 metres in depth would fail to meet these minimum measurements.

- 7.29 The proposed parking space is therefore considered, by virtue of its size, parallel design and position, to fail to provide acceptably sized, usable off-street parking, which would result in inappropriate parking to the inconvenience of other road users and would be detrimental to highway safety. The application is therefore contrary to policies HB1 and T2 of the Places and Policies Local Plan 2020 in this respect.

i) Land Stability

- 7.30 The site is within an area at risk of landslip, and therefore a slope stability report was submitted with the application, however this is quite a basic assessment of the proposed development and potential landslip impacts. A pre-commencement condition could be recommended by condition. However, given the recommendation to refuse, additional information has not been sought on this matter, however if planning permission were to be granted, it would be considered necessary to impose a pre-commencement condition requiring the submission of a detail slope stability report, setting out the potential impacts of the development on the site and surrounding land.

j) Other matters

- 7.31 While there is no formal bin storage area proposed, there is space for these to be stored in the rear garden or down the side of the house which has access to the rear garden.

Environmental Impact Assessment

- 7.33 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.

- 7.34 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.

- 7.35 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 £125.88 per square metre for new residential floor space with the exception of affordable / self-build housing units which are exempt.

Human Rights

- 7.36 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

7.37 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

7.38 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 The proposal is considered to result in an unacceptably cramped form of development which would represent the overdevelopment of the site contrary to Policy HB1 of the Places and Policies Local Plan, would provide insufficient private external amenity space to serve the proposed dwelling, resulting in an unacceptable level of amenity for future occupants of the property, contrary to policy HB3 of the Places and Policies Local Plan, would fail to provide adequate, usable off street parking, and has failed to provide sufficient information in regard to ecology and biodiversity. For these reasons, it is considered that the proposal is contrary to the provisions of the Local Plan and is not considered to be acceptable.

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).

1. RECOMMENDATIONS

10.1 That planning permission be refused for the following reason(s):

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1. The proposed dwelling, by virtue of its design, materials, form and position, would result in an unacceptably cramped form of development which would represent the overdevelopment of the site. The proposal would also fail to reflect the prevailing pattern of development in the area, which is characterised by detached dwellings in large, spacious plots, and as such would not visually respect the character and appearance of the street scene and wider area overall. The proposal would therefore be contrary to Policy HB1 of the Places and Policies Local Plan 2020 and the aims and objectives of the NPPF (2021).
2. The proposed development, by virtue of its position and cramped, restrictive plot size, would provide insufficient private external amenity space to serve the proposed dwelling, resulting in an unacceptable level of amenity for future occupants of the property, contrary to policy HB3 of the Places and Policies Local Plan 2020, which requires a minimum garden depth of 10 metres for new dwellings.
3. The proposed parking space, by virtue of its size, parallel design and position, would fail to provide adequate, usable off-street parking which would result in inappropriate parking to the inconvenience of other road users and would be detrimental to highway safety. The application is therefore would fail to provide adequate, usable off-street parking.
4. Insufficient information has been provided with regards to the potential ecological impact on bats which may be present on site. In the absence of this information, the Local Planning Authority is unable to confirm that protected species would be safeguarded by the proposal. As a result, the application is contrary to policy NE2 of the Places and Policies Local Plan 2020.

Appendix 1 – Site Location Plan

