

**Application No:** Y16/0866/SH

**Location of Site:** Redlynch House 19 Hillcrest Road Hythe Kent

**Development:** Demolition of existing building (former residential home) and erection of 9 apartments with associated car parking and amenity areas.

**Applicant:** Redlynch Residential Home Limited  
Redlynch House  
19 Hillcrest Road  
Hythe  
Kent  
CT21 5EU

**Agent:** Laurence Mineham  
Ubique Architects  
11 Ashford House  
Beaufort Court  
Sir Thomas Longley Road  
Rochester  
ME2 4FA

**Date Valid:** 02.09.16

**Expiry Date:** 28.10.16

**Date of Committee:** 30.05.17

**Officer Contact:** David Campbell

**RECOMMENDATION:** That planning permission be refused for the reasons set out at the end of the report.

## **1.0 THE PROPOSAL**

- 1.1 The proposal is a full application for the demolition of the existing care home and construction of a part two, predominantly three storey block of 9 flats in its place together with bin storage, parking and landscaping. The development would provide 2 x 1 bed flats and 7 x 2 bed flats and 7 off-street parking spaces along the site frontage.
- 1.2 The proposed building is roughly of a square footprint of about 20.9m wide by 20.5m deep at its longest length and 22.1m inclusive of the first and second floor rear balconies. The building would incorporate an arrangement of pitched and flat roofs (appearing as a false pitch) with front and rear gable ends and a turret feature to the front elevation. The height of the proposed building would measure about 8.7m to the top of the main flat roof, 10.15m to the top of the front gable end and 12.2m to the top of the front turret feature.
- 1.3 The appearance of the building is of a traditional period style (arts & crafts style as stated in the applicants supporting statement) in keeping with

surrounding buildings. The external palette of materials are proposed as predominantly local stock brickwork, contrasting tile hanging and tiles to the pitched roof sections.

- 1.4 Discussions were held with the applicants to reduce the scale and bulk of the building by reducing the depth of the first and second floors of the proposed building to match the rear building line of the houses to the south side of Hillcrest Road and to remove habitable flank windows which would result in overlooking. The submitted revised plans show the only significant amendment to the design is the inclusion of 2 projecting angled windows with obscure glazing to the north facing panes on the flank west elevation at first floor serving 2 bedrooms and another to the first floor flank east elevation serving a bedroom.

## **2.0 LOCATION AND DESCRIPTION OF SITE**

- 2.1 The application site is a vacant 2 storey residential care home converted from a large detached house, located on the south side of Hillcrest Road, midway between Brockhill Road to the west and Castle Road to the east. It sits within an elevated section of Hythe with dwellings running generally laterally across the slope of the hillside, benefitting from views of Hythe and the English Channel.
- 2.2 The site is located within a predominantly residential area and within a designated Area of Special Landscape Character. The front of the property incorporates separate in and out vehicular accesses and a garden to the rear, beyond the end boundary of which slopes steeply downwards to Quarry Cottage, Quarry Lane.

## **3.0 RELEVANT PLANNING HISTORY**

- |            |   |  |
|------------|---|--|
| 84/0772/SH | - | erection of an extension (as amended by drawing no. 84/41 - 2a accompanying letter dated 15th august and by letter dated 12th September 1984 and amplified by letter dated 3rd October 1984 and amplified by letter dated 3rd October 1984) Withdrawn. 28.08.85. |
| 85/0149/SH | - | erection of two single storey extensions (as amended by plan accompanying letter dated 27th march 1985 and amplified by letter dated 1st April 1985) Approved 28.08.85.  |
| 83/1156/SH | - | change of use to rest home for the elderly. Approved 16.01.84.   |
| 84/0772/SH | - | erection of an extension (as amended by drawing no. 84/41 - 2a accompanying letter dated 15th august and by letter dated 12th September 1984   |

and amplified by letter dated 3rd October 1984 and amplified by letter dated 3rd October 1984) Refused 19.10.84.

- 85/0149/SH - erection of two single storey extensions (as amended by plan accompanying letter dated 27th march 1985 and amplified by letter dated 1st April 1985). Refused 29.04.85.
- 87/0959/SH - erection of an extension (as amplified by letter dated 5th September 1987). Approved 30.09.87.
- 88/1106/SH - erection of two extensions to provide additional bathroom accommodation. Approved 19.10.88.

#### **4.0 CONSULTATION RESPONSES**

##### **4.1 Hythe Town Council**

Object on the grounds of over-intensification of the site, the building would be out of keeping with the street scene and there is insufficient off street parking provision

##### **4.2 KCC Highways And Transportation**

No objection subject to conditions.

- The applicant has provided a parking survey, which has demonstrated that there is adequate on street parking available for the proposals.
- The visibility splay plans which have been submitted are now acceptable and demonstrate that adequate visibility splays can be provided within the highway and land which the applicant has control of.

##### **4.3 Building Control Officer**

No objection subject to a Latchgate condition.

##### **4.4 Environmental Health**

*No objection subject to conditions.*

##### **4.5 K.C.C. (Planning - Archaeology)**

No response

##### **4.6 Southern Water**

No objection subject to conditions.

#### **5.0 PUBLICITY**

5.1 Neighbours notified by letter. Expiry date 21.07.2016

5.2 Site Notice. Expiry date 02.08.216

## 6.0 REPRESENTATIONS

6.1 The proposals have involved 2 separate public consultations on the original and revised plans.

6.2 18 letters/emails of objection were received in response to the initial consultation and are summarised as follows:

- A three storey building fails to integrate with the historic existing buildings and fails to blend in terms of scale, mass and architectural detail.
- Proposed building would be significantly larger and higher with imposing front elevation.
- The design of the flank elevations stretch 'slab-like' along the site, visible from the road and out of keeping with the road.
- Would dominate the road and spoil its unique character.
- Adverse visual impact.
- The design is undistinguished, discordant and dull incorporating competing and jarring styles.
- Overlooking and loss of privacy to our house at the end of the garden due to the lack of depth of the garden.
- Overlooking and loss of privacy from 5 flank windows to habitable rooms and private terrace and from side rooflights and rear balconies.
- The view from Hythe/Prospect Road and wider afield and of the skyline would be eroded by a large block of flats and would fail to respect the setting of the area of special landscape character and would stick out like a massive sore thumb.
- Loss of the nursing home contrary to Policy SS3 of the Shepway Core Strategy Local Plan.
- Over development of site - excessive scale and mass of building would overwhelm the plot, out of keeping with the scale of other neighbouring buildings.
- Proposed building extends a significant way into the garden resulting in loss of outlook.
- Some submitted drawings and images are inaccurate and misleading.
- The increase in scale and bulk would cause serious loss of light and a view of a huge unsightly wall.
- Would set a precedent for other blocks of flats which are out of keeping in an area of family houses.
- Insufficient parking provided would cause on-street parking problems, congestion, accidents and affect the uninterrupted passage of buses along this bus route.
- The off-street parking spaces appear like a shopping parade car park, which dominate the frontage resulting in the loss of vegetation, out of keeping and detrimental to the street scene.
- Extending so far into the garden could cause soil/land stability issues.

6.3 6 letters/emails of objection were received in response to the consultation on the revised plans and are summarised as follows:

- No difference to the original plans except for minor cosmetic alterations to the sides.
- Will still overwhelm our cottage and result in loss of privacy.
- Would extend 5 metres beyond the rear of 17 Hillcrest Road and be 7 metres high.
- Create an eyesore on the crest of the escarpment viewed from Hythe.
- Parking provision remains at 7 spaces.
- Fails to address any concerns raised with particular regard to size, depth, parking and privacy.
- Highway safety seems to have been ignored by KCC Highways in their consultation response on the submitted parking survey.

#### 6.4 Hythe Civic Society

Object to the proposed development on the following grounds:

- Proposed footprint is greater than existing footprint and far greater than surrounding building footprints.
  - Mass and scale of the proposed building is greater than the existing surrounding buildings although the design attempts to fit its surroundings.
- Contrary to Policies BE8 and BE12

## **7.0 RELEVANT POLICY GUIDANCE**

7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.

7.2 The following saved policies of the Shepway District Local Plan Review apply:

SD1, BE1, BE12, CO5, U2, U4, U10a, TR5, TR11, TR12, HO1

7.3 The following policies of the Shepway Local Plan Core Strategy apply:

DSD, SS1, SS2, SS3, SS5, CSD1, CSD2, CSD7

7.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework - particularly paragraphs:

7, 9, 10, 11, 14, 17, 42, 50, 55, 56, 57, 58, 109, 121, 126

Advice set out in the National Planning Policy Guidance

## **8.0 APPRAISAL**

### **Relevant Material Planning Considerations**

- 8.1 The main issues to be considered in the determination of this application are the acceptability of the principle of development, the visual impact upon the surrounding area and Area of Special Landscape Character, the impact upon surrounding residential amenity and highways and transportation matters.

### **Principle of Development**

- 8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the Development Plan comprises the Shepway District Local Plan Review
- 8.3 Policy SS1 of the Shepway Core Strategy identifies the strategic priorities for future development being on urban, brownfield sites. Saved policy HO1 of the Shepway Local Plan Review permits housing on previously developed sites or infill within urban areas subject to environmental and highway safety considerations. Policy SS3 of the Core Strategy requires development within Shepway to be directed towards previously developed land within the urban area. Saved policy SD1 of the Shepway Local Plan (2006) states that the priority is to *“locate new development within or around existing built-up areas, especially on previously developed land, in preference to ‘greenfield’ sites”*.
- 8.4 The site is located in a residential area outside of Hythe town centre and has been in use as a care home for many years, however, is now vacant. The applicants declare that the care home is dilapidated, no longer viable and upgrading the care home to Care Quality Commission standards would also not be a viable option. The Council have not received any viability information to justify this assertion. However, it is considered that the loss of the care home does not constitute a loss of a community facility and there are no local plan policies that seek to retain private residential care homes. KCC have also confirmed that the property would not be required to meet local care needs in its current state.
- 8.5 Hythe is identified as a strategic town within the district and plays a prominent role in Shepway as an attractive town to live, work and visit. Policy CSD7 of the Shepway Core Strategy states that Hythe should develop as the high-quality residential, business, service, retail and tourist centre for central Shepway. New development should respect the historic character of the town and the established grain of the settlement in line with the place-shaping principles set out in policy SS3. It is identified as this partly due to the range of key services it provides to residents including a primary and secondary school, range of local shops, eateries, doctors surgery to name but some of the amenities/facilities available. As such, the Council have assessed the town to be a highly sustainable settlement where significant development will be accommodated. Taking this into consideration, it is considered that the demolition of the care home to provide additional residential accommodation would result in an efficient use of land in a sustainable location with good connectivity to public services

and would contribute to the delivery of the Council's 5 year housing supply. As such, the proposed development would accord with Policies HO1 of the Shepway Local Plan Review and policy SS3 of the Shepway Core Strategy.

- 8.6 In this context, it is considered that the principle of the development is, by virtue of national planning policy as set out in the NPPF and local planning policy as set out in the Shepway Local Plan Review and Core Strategy, acceptable, subject to detailed consideration of whether any adverse impacts of the development would outweigh the benefits of the application in respect of the provision of housing in a sustainable location.

### **Design, Scale and Layout**

- 8.7 Policy BE1 of the Shepway District Local Plan Review states that a high standard of layout, design and choice of materials will be expected for all new development, sympathetic to the local vernacular and in keeping with the existing building form, mass and height.
- 8.8 Paragraph 17 states that Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.9 Paragraph 56 attaches great importance to the design of the built environment and considers it key to sustainable development. It is indivisible from good planning and should contribute positively towards making places better for people.
- 8.10 The Kent Design Guide (2005) (KDG) emphasises that design solutions should be appropriate to context and the character of the locality. Development should reinforce positive design features of an area; include public areas that draw people together and create a sense of place; avoid a wide variety of building styles or mixtures of materials; form a harmonious composition with surrounding buildings or landscape features; and seek to achieve a sustainable pattern and form of development to reduce the need to travel and improve the local context.
- 8.11 The design of the proposed building follows the more traditional approach (arts and crafts style as set out in the applicants Design Statement), with pitched roofs, locally sourced brickwork to the elevations in keeping with surrounding houses to the elevations and pitched tiled roofs.
- 8.12 Much has been raised about this issue from local residents in so far as the design not being in keeping with houses in the locality. However, the proposed design does create a varied and interesting roof form, creates a more residential domestic character to the building in keeping with the character of surrounding properties and the provision of 3 stories and accommodation within the roof would also be an appropriate scale within Hillcrest Road. On the other hand, though, when viewed at an angle from Hillcrest Road, the considerable scale of the building would become clearly visible together with the dominance of the building's width in relation to the plot size and the relationship with neighbouring houses.

- 8.13 The character of the area is mainly defined by large houses set within large plots with relatively large separation between the houses above ground floor level providing views between and through the sites to beyond, in this case the coast and the English Channel. The existing care home building occupies a significant portion of the site's width up to the side boundary with no. 17 Hillcrest Road to the east and approximately 1 metre in from the side boundary with no. 21 Hillcrest Road. However, the scale and bulk of the existing building is significantly less incorporating single storey sections to both flanks with the 2 storey element set well in from the boundaries creating a sense of openness and an appropriate level of separation.
- 8.14 The extended bulk to the sides of the site with provision of effectively 3 stories to the flank elevation facing no.17 Hillcrest Road would certainly result in a significantly dominant structure and unneighbourly sense of enclosure than that which currently exists. Moreover, the proposed building would extend 4.6 metres past the main rear elevation of no.17 Hillcrest Road, extending to 6.1 metres with the inclusion of the first and second floor balconies, well beyond the established first and second floor rear building line of houses along the south side of Hillcrest Road.
- 8.15 It is considered therefore, that the excessive scale of the proposed building in terms of its width and excessive depth would result in a significantly dominant and unneighbourly structure, out of keeping with the prevailing built form of surrounding houses, failing to take into consideration the degree of separation between houses which currently exists within the street. As such, the proposal would be contrary to Policies BE1 of the Shepway Local Plan Review 2013 and paragraphs 17 and 56 of the NPPF.

### **Visual Impact**

- 8.16 Policy BE12 of the Shepway Local Plan Review states that Planning permission for further development within Areas of Special Character as will not be granted if the development will harm the existing character of that area, by reason of either a loss of existing vegetation, especially in relation to important skylines; or a greater visual impact of buildings.
- 8.17 Policy BE16 requires proposals to retain important existing landscape features.
- 8.18 Policy C05 states that proposals should protect or enhance the landscape character and functioning of Local Landscape Areas unless the need to secure economic and social well-being outweighs the need to protect the areas local landscape importance.
- 8.19 Paragraph 58 of the NPPF states that developments should function well and add to the overall quality of an area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and be visually attractive as a result of good architecture and appropriate landscaping.

- 8.20 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The intrinsic character and beauty of the countryside should be recognised.
- 8.21 The application site is located within an elevated section of Hythe within an Area of Special Landscape Character with dwellings running generally laterally across the slope of the hillside, benefitting from views of Hythe and the English Channel. The application site and rear of neighbouring buildings on the south side of Hillcrest Road are, therefore, highly visually prominent from lower public areas and roads within the centre of Hythe and from the coastal areas beyond. A 3 storey building in this location would appear noticeable due to the lack of any significant numbers of tall or dense trees to the rear boundaries. The rear boundary to the application site comprises a relatively low hedge and a tree to the corner.
- 8.22 The proposed 3 storey building would significantly increase the scale and bulk than that of the existing building and would be considerably larger than that of its neighbours. In addition, the extension of the buildings depth significantly into the rear garden and past the established rear building line by approximately 7.3 metres would appear conspicuous upon the stark embankment. The combination of the excessive scale of the building, siting and elevated nature of the land would result in the building appearing highly visually prominent within the skyline both when observed from the rear of neighbouring properties below further down the slope and in wider viewpoints from the south of the escarpment around the centre of Hythe. The proposed building would appear intrusive and incongruous within the landscape and would cause significant harm to the character and appearance of the designated Area of Special Landscape Character. As such, the proposed development would be contrary to Policies BE1, BE12, BE16, C05 and HO1 of the Shepway District Local Plan Review 2013 and paragraphs 58 and 109 of the National Planning Policy Framework.

### **Neighbouring Amenity**

- 8.23 Policy SD1 of the Shepway District Local Plan Review states that all development proposals should safeguard and enhance the amenity of residents.
- 8.24 Paragraph 17 of the NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

#### **Outlook**

- 8.25 The residential properties most affected by the proposed development would be nos.17 and 21 Hillcrest Road situated either side of the application site and Quarry Cottage sited at the bottom of the steep slope past the end of the southern boundary to the application site.

As set out above, the proposed building is considered to be excessive in scale, bulk and depth at the rear. The footprint of no.17 Hillcrest Road is an

L shape incorporating a wide main frontage and a 2 storey rear projection situated to the east side of the rear elevation with a small ground floor addition to the back of it. A raised patio area is located within the recess of the L shape adjacent to no.19 Hillcrest Road. The proposed building would extend past the rear of the main house by 13 metres and past the rear projection by 6.1 metres. As a result, the outlook from ground floor and first floor rear and flank windows of no.17 Hillcrest Road would be significantly reduced by the proposed building and replaced with a 2/3 storey flank elevation within 2 metres of the side boundary. The loss of outlook and sense of enclosure caused by the proposal would have an adverse impact on the amenities of the residential occupiers of this house.

#### Daylight and Sunlight:

- 8.26 Due to the orientation of the street and neighbouring houses, and the height, depth and siting of the proposed building close to neighbouring boundaries, rear habitable windows and the raised private patio area to no.17 Hillcrest Road would be overshadowed in the late afternoon and early evening and the rear of no.21 Hillcrest Road would be overshadowed in the morning hours, with the greatest impact in the Spring and Summer seasons. It is not considered that the proposal would significantly reduce daylight to the neighbouring houses, however, the levels and hours of sunlight would be significantly adversely affected to the detriment of the residential occupiers.

#### Overlooking and Loss of Privacy:

- 8.27 The original submitted plans included first floor windows to both flanks of the proposed building serving 2 bedrooms and a living room facing the side/rear of no.17 Hillcrest Road and a bedroom facing the side of no.21 Hillcrest Road. The plans were subsequently revised to incorporate first floor splayed projecting windows with obscured glass panes to one side to avoid direct overlooking. However, with regard to no.17 Hillcrest Road, the unobscured windows facing south east and north east would still overlook the private raised rear patio area and flank windows to the 2 storey rear projection and directly overlook the rear garden beyond, negating any mitigation from obscure glass screens to the rear balconies. The south west facing unobscured window to the west flank would also directly overlook the rear garden of no.21 Hillcrest road, also negating any mitigating impact from the obscured glass rear balcony screens. This amenity impact alone highlights that additional side windows are required to serve habitable rooms within the heart of the proposed building to facilitate the number of flats and bedrooms in the layout and thus demonstrates that the depth of the proposed building is not possible in this constrained residential location.
- 8.28 A site visit to Quarry Cottage, located just beyond the end boundary of the application site lower down the slope, revealed the first floor and roof of the existing building were visible from the upper amenity area of Quarry Cottage above the rear boundary hedge. The top of the rear gable end was visible from the main rear garden area where garden furniture is positioned. The proposed building including first and second floor rear balconies would extend approximately 7.3 metres closer to the rear boundary of the site from

the 2 storey rear bay section of the existing building. The distance to the rear boundary would be 13.3 metres. As a result, the private rear and side gardens of Quarry Cottage would be directly overlooked from the first and second floor flats and their respective balconies, to the detriment of the residential occupiers of Quarry Cottage.

The scale and bulk of the rear of the proposed building would also have a significant adverse visual impact on Quarry Cottage where the building would loom over the rear of the cottage at an elevated level and would, therefore, have a considerably dominating, intrusive and unneighbourly impact.

Standard of Accommodation:

- 8.29 The accommodation proposed within the flats are of a good size and layout. However, two bedrooms serving two second floor flats would not benefit from any windows to provide outlook and are instead served by single high level velux rooflights. The lack of any outlook from these bedrooms would fail to provide a good standard of basic amenity for future occupants and, therefore, would be contrary to paragraph 17 of the NPPF.

Conclusion:

- 8.30 In conclusion, the proposed development fails to address the existing siting, layouts, habitable window positions, and privacy afforded to the neighbouring houses and which all neighbouring properties currently enjoy. The proposed development would adversely affect neighbouring outlook, levels of sunlight, privacy and overlooking and would fail to provide basic amenity for future residential occupiers of two of the second floor flats. As such, the proposed development would be contrary to Policy SD1 of the Shepway District Local Plan Review and Paragraph 17 of the National Planning Policy Framework.

## Highways

- 8.31 Policy TR11 of the Shepway District Local Plan Review sets out the criteria for proposals which involve the formation of a new access or intensification of an existing access. Policy TR5 refers to the provision of cycle storage facilities and TR12 refers to car parking standards.
- 8.32 The proposal involves the provision of 7 off-street parking spaces to the front of the site where the existing front wall and vegetation would be removed to facilitate the spaces. Cycle parking storage would be provided to the west side of the building adjacent to the side boundary with no.21 Hillcrest Road.
- 8.33 KCC Highways were consulted and their original consultation response raised objection on grounds that the parking standards require 1 parking space per flat and 2 visitor spaces requiring 11 off-street spaces in total and that demonstration of adequate visibility splays were also required. The applicants responded to confirm that due to the site constraints and the

proposed layout, 7 spaces were the maximum they could provide on the site and the rest of the provision could be provided on-street. The applicants, therefore, undertook an overnight on-street parking survey to determine the levels of on-street parking stress in the evenings and early mornings over 2 days. The conclusion of the results showed that the road does not suffer from any significant overnight on-street parking stress or interrupted passage for buses along this bus route.

- 8.34 KCC Highways were reconsulted and raise no objection to provision of additional parking being provided on the street. Additional visibility splay plans were also submitted which demonstrate that adequate visibility splays can be provided and thus KCC Highways raise no objection to the proposed development on highway grounds.

### **Local Finance Considerations**

- 8.35 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.
- 8.36 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district. Under the scheme the Government matches the council tax raised from new homes for the first six years through the New Homes Bonus. The Government has consulted councils earlier in the year seeking to reform the New Homes Bonus to be paid over 4 years instead of 6 years, with a possible transition to 5 years. As such only a 4 year value for the New Homes Bonus has been calculated. In this case, the minimum value of the New Homes Bonus as a result of the proposed development is estimated to be approximately £15,227.00 per annum for 4 years (subject to consultation outcome). New Homes Bonus payments are not considered to be a material consideration in the determination of this application.
- 8.37 In accordance with policy SS5 of the Shepway Core Strategy Local Plan, the Council has introduced a CIL scheme that in part replaces planning obligations for infrastructure improvements in the area. Based on a net internal floorspace calculation of 1358sqm, this development would be liable for a CIL charge of £67,900.00 to be paid within 60 days of commencement.

### **Human Rights**

- 8.38 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.

8.39 This application is reported to Committee at the request of Councillor Monk.

## **9.0 SUMMARY**

- 9.1 The principle of the development is considered to be acceptable given the Council have assessed Hythe to be a highly sustainable settlement where significant development will be accommodated and the site is located within the settlement boundary within an established residential area. Policy HO1 of the Shepway District Local Plan Review states that housing on previously developed sites or infill within urban areas would be acceptable subject to environmental and highway safety considerations. As such, it is considered that the demolition of the care home to provide additional residential accommodation would result in an efficient use of land in a sustainable location with good connectivity to public services and would contribute to the delivery of the Council's 5 year housing supply.
- 9.2 With regard to the design concept of the proposed development, no objection is raised to the elevational treatment and proposed materials. However, the excessive scale, bulk and mass of the proposed building in terms of its width and excessive depth would result in a significantly dominant and unneighbourly structure, out of keeping with the prevailing built form of surrounding houses, failing to take into consideration the degree of separation between houses which currently exist within the street contrary to Policies BE1 of the Shepway Local Plan Review 2013 and paragraphs 17, 56 and 58 of the NPPF.
- 9.3 Consequently, the combination of the excessive scale of the building, siting and elevated nature of the land would result in the building appearing highly visually prominent within the skyline both when observed from the rear of neighbouring properties below further down the slope and in wider viewpoints from the south of the escarpment around the centre of Hythe. The proposed building would appear intrusive and incongruous within the landscape and would cause significant harm to the character and appearance of the designated Area of Special Landscape Character contrary to Policies BE1, BE12, BE16, C05 and HO1 of the Shepway District Local Plan Review 2013 and paragraphs 58 and 109 of the National Planning Policy Framework.
- 9.4 With regard to residential amenity impact, the proposed development fails to address the existing siting, layouts, habitable window positions, and privacy afforded to the neighbouring houses. Due to the excessive scale, bulk and mass of the proposed development, it would adversely affect neighbouring outlook, levels of sunlight, privacy, fail to provide adequate outlook from windows to 2 bedrooms of the second floor flats and would constitute an intrusive and unneighbourly form of development, contrary to Policy SD1 of the Shepway District Local Plan Review and Paragraph 17 of the National Planning Policy Framework.

9.5 The provision of 7 off-street parking spaces would be lower than the Council's parking standards where 11 off-street parking spaces would be required. However, the applicants submitted an overnight on-street parking survey to determine the levels of on-street parking stress in the evenings and early mornings which concluded that the road does not suffer from any significant overnight on-street parking stress or interrupted passage for buses along this bus route. KCC Highways, therefore, raise no objection to provision of additional parking being provided on the street.

## **10.0 BACKGROUND DOCUMENTS**

10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

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### **RECOMMENDATION – That planning permission be refused for the following reason(s):**

1. The proposed development is considered to be unacceptable by virtue of its excessive scale, bulk and mass to its width and depth and would result in a significantly dominant and intrusive structure within the streetscene, out of keeping with the prevailing built form of surrounding houses and the degree of separation between buildings which currently exists at the application site and within the street. As such, the proposed development would be contrary to Policies BE1 of the Shepway Local Plan Review 2013 and paragraphs 17 and 56 of the NPPF.
2. The combination of the excessive scale, bulk and mass of the proposed building and elevated nature of the land would result in the building appearing highly visually prominent within the skyline both when observed from the rear of neighbouring properties below and in wider viewpoints from the south of the escarpment around the centre of Hythe. As such, it is considered that the proposed building would appear intrusive and incongruous within the landscape and would cause significant harm to the character and appearance of the designated Area of Special Landscape Character, contrary to Policies BE1, BE12, BE16, C05 and HO1 of the Shepway District Local Plan Review 2013 and paragraphs 58 and 109 of the National Planning Policy Framework.
3. By virtue of the proposed buildings excessive scale, bulk and mass, it is considered that the proposed development would adversely impact on surrounding residential amenity through significant loss of outlook and levels of sunlight to side and rear windows and gardens of nos.17 and 21 Hillcrest Road. The proposal would also result in overlooking from first floor flank windows towards nos.17 and 21 Hillcrest Road and to the side and rear

gardens of Quarry Cottage beyond the rear boundary from the first and second floor windows and balconies. As such, the proposed development would constitute an intrusive and unneighbourly form of development, detrimental to surrounding residential amenity, contrary to Policy SD1 of the Shepway District Local Plan Review and Paragraph 17 of the National Planning Policy Framework.

4. The proposed development is considered to be unacceptable by virtue of the failure to provide adequate outlook from windows to two bedrooms within two second floor flats and thus would not provide a good standard of amenity for future occupants of these flats. As such, the proposed development would fail to accord with the aims of Paragraph 17 of the National Planning Policy Framework.

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Decision of Committee

Y16/0866/SH  
Redlynch House  
19 Hillcrest Road  
Hythe

