

REPORT SUMMARY

REFERENCE NO - 16/507377/FULL		
APPLICATION PROPOSAL Erection of one detached dwelling with car parking provision, new access.		
ADDRESS The Gables Maidstone Road Sutton Valence Kent ME17 3LS		
RECOMMENDATION - The Head of Planning & Development be given delegated powers to Grant planning permission subject to the expiry of the newspaper advert and no material new issues raised.		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal, by virtue of its siting between two existing houses, the relatively sustainable location, the retention of all existing planting/hedging along the A274, the existence of many mature existing trees within the site, the subservient design and the position of the access away from the A274, results in negligible impact on the openness or rural amenities of the countryside thereby, in the particular circumstances of this case, resulting in grounds to override Policy ENV28 and emerging Policy SP17 and grant planning permission.		
REASON FOR REFERRAL TO COMMITTEE Called in by Sutton Valence Parish Council who have recommended permission is refused. The proposal is also a departure from the development plan.		
WARD Sutton Valence And Langley	PARISH/TOWN COUNCIL Sutton Valence	APPLICANT Mr & Mrs R White AGENT Consilium Town Planning Services Limited
DECISION DUE DATE 15/12/16	PUBLICITY EXPIRY DATE 07/12/16	OFFICER SITE VISIT DATE 16.11.16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

App No	Proposal	Decision	Date
07/2377	Two storey side extension	Approved	11.01.2008
04/2252	Two storey side extension	Refused	24.01.2005
		Appeal Dismissed	17.11.2005
97/0898	Erection of two storey side extension	Refused	31.07.1997
95/0039	Single storey side extension	Approved	15.02.1995
94/1203	Erection of first floor extension to rear elevation and single storey ground floor extension/glazed canopy to side and rear elevations	Approved	27.10.1994
84/1752	Two storey side extension	Approved	01.02.1985
78/1741	Rear extension to form kitchen and shower room	Approved	09.01.1979

MAIN REPORT

1.0 DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The site lies within a cluster of buildings which splay out from the Five Wents crossroads where the A274 (Maidstone Road) and B2163 meet. There are approximately ten houses, a public house, garage and commercial unit within this

cluster of development.

- 1.2 The Gables is a large detached house within a spacious plot which adjoins the cross roads. The Gables fronts on to the Maidstone Road but has its access off the B2163 (Leeds Road). The property has several outbuildings close to its access with the B2163. Roseman lies to the northeast of The Gables and is a detached single storey bungalow within a very large plot. Ulcombeden is a detached bungalow which lies to the southeast of The Gables. Ulcombeden fronts on to Maidstone Road, has its access of this road and is set back substantially within its plot.
- 1.3 There are two Listed Buildings within the vicinity of the application site being the Public House and Homewell House but neither of these properties directly adjoins the application site.
- 1.4 The application site is formed by combining parts of the gardens of two properties, The Gables and Roseman. Both these properties have irregular, "triangular" shaped plots and the proposal would somewhat regularise these plot shapes and form a new plot adjacent to, and on the southeast side of, The Gables. The proposal would conform to the existing building line of The Gables in relation to Maidstone Road.
- 1.5 Access is proposed via a new access off the B2163 Leeds Road adjacent to the existing access serving Roseman. No new access is proposed off the main A274. New boundary treatments would be established between the properties to delineate the new plots.
- 1.6 There are a number of existing mature specimen trees on the site and an arboricultural report has been provided.
- 1.7 The new property would have a lounge, reception room, large hall, utility, WC, and kitchen/dining room at ground floor, with four bedrooms within the roof space. The roof space would be served by three dormer windows (one to the front elevation and two to the rear), two front facing gable end windows, and two rooflights on the rear elevation serving the stairs and en-suite.
- 1.8 Materials are proposed to be render and face brickwork with grey concrete interlocking tiles. A detached double garage is also proposed to the north of the new dwellinghouse.

2.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 17, 32, 57 and 58
National Planning Practice Guidance (NPPG)
Development Plan: ENV28
Emerging Local Plan: Draft Policy SP17, DM1 and DM34

3.0 LOCAL REPRESENTATIONS

- 3.1 Parish Council: The Parish Council wish to see this application refused and are prepared to go to Committee. This is unnecessary back garden development and access is too close to the crossroads.
- 3.2 Neighbours: No response

4.0 CONSULTATIONS

- 4.1 KCC Highways: No objection subject to conditions.
- 4.2 KCC Heritage: No objection subject to conditions.
- 4.3 Conservation Officer: I raise no objection on heritage grounds.
- 4.4 Environmental Health: No objections.

5.0 BACKGROUND PAPERS AND PLANS

- Existing and Proposed Block Plan 3729/p02 received on 21.10.16
- Site Plan received on 20.10.16
- Proposed Elevations and Floor Plans 3729/sk02 received on 13.10.16
- Proposed Access Plan 3729/p04 received on 05.12.16
- Arboricultural Impact Assessment and Preliminary Method Statement dated 26.09.16, received on 13.10.16
- Planning Statement received on 13.10.16
- Arboricultural Survey dated 26.09.16, received on 13.10.16
- Design and Access Statement received on 13.10.16

6.0 APPRAISAL

Principle of Development and Policy Background

- 6.01 The site lies within the open countryside where Saved policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 states:-

In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:

- (1) That which is reasonably necessary for purposes of agriculture and forestry; or*
 - (2) The winning of minerals; or*
 - (3) Open air recreation and ancillary buildings providing operational uses only; or*
 - (4) The provision of public or institutional uses for which a rural location is justified; or*
 - (5) Such other exceptions as indicated by policies elsewhere in this plan.*
- Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources.*

- 6.02 The proposed development does not fit into any of the exceptions set out in policy ENV28 hence why it will need to be advertised as a departure if approved.
- 6.03 In terms of emerging policies from the submitted version of the Draft Maidstone Local Plan 2016, policy SP17 seeks to protect the countryside from harm and sets out development which will be considered acceptable, again, the current proposal does not fall within any of the prescribed criteria; policy DM1 sets out principles of good design and policy DM34 allows for high quality of design development in the countryside provided certain criterion are met.
- 6.04 Paragraph 17 of the NPPF requires planning to “take account of the different roles and character of different areas... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities.”

- 6.05 Paragraphs 57 of the NPPF 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.
- 6.06 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.

Visual Impact and Impact on Character and Appearance

- 6.07 It is acknowledged that the site lies outside any defined settlement boundary and accordingly fails to comply with Policy ENV28 and emerging Policy SP17. However, the main aim as identified in ENV28, is to protect the countryside from harm to the character and appearance of the area or the amenities of surrounding occupiers. The proposal should therefore be assessed on the basis of whether actual harm to the character and appearance of the area or impact on neighbours can be identified.
- 6.08 In the circumstances of this application, the proposal would not open the site up to the Maidstone Road as access is proposed via the Leeds Road, and therefore the existing tree and hedgerow lined boundary along the Maidstone Road boundary would remain. Due to the low level design of the bungalow, being 6.1m to ridge and set back within the site by between 11m and 13m from the Maidstone Road boundary, the proposed dwelling would have an extremely limited impact on the streetscene, being barely discernible from the main highway. The siting of the proposed dwelling between The Gables and Ulcombeden would also mean that the proposal is not encroaching in to the open countryside but merely making use of two large gardens within an existing hamlet. It is my view that should permission be granted the new dwelling would not read as being out of context with the existing pattern of development. Due to the size of the existing plots serving The Gables and Rosmann each property would still retain a good sized plot and the new plot created would also be of a good size resulting in a development which cannot be regarded to be overdevelopment of the site in my view.
- 6.09 It is for these reasons that the proposal is not considered to give rise to harm to the character and appearance of the area. In the absence of harm I am of the view that material considerations exist to override the exceptions set out within adopted Policy ENV28 as the main thrust of the policy would be met, as would the aims of draft Policy SP17 which also seeks to prevent harm.
- 6.10 The site lies between Warmlake and the Sutton Road end of Maidstone where there are good bus links to Maidstone and Headcorn and occupiers could access the services at Sutton Valance on foot. For these reasons future occupiers would not be totally reliant on the private motorcar. This assessment accords with that of recent Inspectors on nearby sites where housing has recently been allowed, notably 'Homewell House' opposite the site from February 2017.
- 6.11 In addition to the above, the design of the dwelling and the proposed double garage, in terms of their scale, form, aesthetic and materials would also be in keeping with the locality thereby respecting the site and its surroundings. For these reasons the proposal would accord with Paragraphs 17, 57 and 58 of the NPPF and Emerging Policies DM1 and DM34 in relation to design and visual amenity.

Residential Amenity

- 6.12 The proposed dwelling would be located and orientated in such a way that the development would not give rise to loss of privacy to either The Gables, Rosemann or Ulcombeden and generous separation distances would remain flank to rear between the proposal and Ulcombeden, being 35m in this case. No first floor flank windows or roof windows are proposed and, accordingly the proposal would not result in loss of privacy to The Gables or Ulcombeden. Again, the separation distances flank-to-flank between the proposal and The Gables would be 8m which is a generous distance ensuring no loss of outlook would arise. The rear elevation of the proposal would be sited 20m away from the front corner of Ulcombeden and would have oblique views from the proposed bedroom four however these would be of the front garden area of the neighbour and the rear (private amenity area) would remain unaffected. Whilst the applicant has annotated this window to be obscured glazed I do not consider it to be necessary due to the separation distances and the outlook from the window.
- 6.13 I therefore am of the view that the proposed dwelling would not give rise to harm to residential amenity thereby complying with the neighbour amenity requirements of Adopted Policy ENV28 and emerging Policy DM1 in turn the proposal would accord with Paragraph 17 of the NPPF.

Highways

- 6.14 The proposed new access would be located directly south of the existing access serving Rosmann, being off the Leeds Road. KCC Highways have assessed the proposed access and raise no objection on highway safety as the site would accommodate suitable levels of parking and turning space. For these reasons I am of the view that the proposal would accord with Paragraph 32 of the NPPF and criteria ix of Draft Policy DM1 of the emerging Local Plan.

Landscaping

- 6.15 The application has been accompanied by an Arboricultural Survey, Impact Assessment and Preliminary Method Statement prepared by PJC Consultancy. There are two Cat A trees, several Cat B trees and several Cat C in the vicinity of the application site. It is proposed that T1-4, G5, T6-8 be removed to allow for the access drive and garage to be constructed. All other trees would remain. Details of root protection areas, method of tree fencing and a temporary area of ground protection around the Root Protection Area for T10 are proposed in full. The trees to be removed are T1 – Lawson Cypress, T2 – English Oak, T3 – English Oak, T4 – Sycamore, G5 - Lawson Cypress, T6 – Sweet Chestnut, T7 – Sweet Chestnut and T8 – Ash. It should be noted that these are all Cat B and Cat C trees. The main trees along the Maidstone Road frontage would remain, which includes a Cat A English Oak and a Cat A Scots Pine within the garden of The Gables.
- 6.16 The arboricultural survey, removal plan, root protection zones and tree protection measures are all considered to be acceptable and would ensure that the main trees on the site, and those within the highest amenity value to the public domain, are retained and protected for the life of the build. Provided a landscaping scheme is provided by condition and that no pedestrian access is provided with the landscaping along the Maidstone Road, I am of the view that the proposal would be appropriate in terms of trees and future landscaping.

Other Matters

- 6.17 The site lies within an area of archaeological protection and a watching brief has been recommended by KCC Heritage. I agree with the recommended condition which will adequately address the matter of below ground archaeology. The development has no effects on the setting of the listed buildings to the west and northwest due to the distance an intervening development.

7.0 CONCLUSION

- 7.1 In light of the above considerations, whilst the site falls within the countryside, due to the particular circumstances of the site, the retention of the Maidstone Road frontage landscaping and trees, the subservient nature of the design, and the conformity with the existing building line and pattern of development,; the proposal has been found to not result in an unacceptable level of harm to the character or appearance of the area. Similarly, the proposal has been designed to respect the amenity of neighbouring properties, respect and protect the significant trees on the site, provides a safe access with ample on-site parking, turning and garaging, and is at a relatively sustainable location. In addition, the overall design of the new dwelling is considered to be appropriate for the site in terms of siting, scale, layout and materiality. These circumstances specific to this application are considered sufficient grounds to depart from policy ENV28 in respect of the types of developments listed under this policy, and emerging Policy SP17 of the Draft MLP; and accords with paragraphs 17, 32, 57 and 58 of the NPPF and policies DM1 and DM34 of the Draft MLP. As such permission is recommended subject to the following conditions.

- 8.0 RECOMMENDATION** – The Head of Planning & Development be given delegated powers to grant planning permission subject to the expiry of the newspaper advert and no material new issues raised, and subject to the following conditions:

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing and Proposed Block Plan 3729/p02 received on 21.10.16, Site Plan received on 20.10.16, Proposed Elevations and Floor Plans 3729/sk02 received on 13.10.16, Proposed Access Plan 3729/p04 received on 05.12.16, Arboricultural Impact Assessment and Preliminary Method Statement dated 26.09.16, received on 13.10.16, Arboricultural Survey dated 26.09.16, received on 13.10.16.

Reason: To clarify which plans have been approved.

3. The development shall not commence above slab level until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

4. The development shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

5. Prior to the commencement of development above slab level details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development.

6. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

7. The approved details of the access shall be completed before the commencement of the use of the land or buildings hereby permitted

Reason: In the interests of road safety.

8. Any gates at the vehicular access to the application site must be set back a minimum of 5m metres from the back edge of the footway or highway boundary.

Reason: In the interests of highway safety.

9. No retained tree as shown on drawing number PJC/4149/16B contained within the Arboricultural Impact Assessment and Preliminary Method Statement received on 13.10.16 shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. If any retained tree is removed, uprooted or destroyed or dies, a replacement tree shall be planted and that tree shall be of such size and species, and shall be planted at such time and in a position to be agreed with the local planning authority, as may be specified in writing by the local planning authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

10. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection as detailed within the Arboricultural Impact Assessment and Preliminary Method Statement received on

13.10.16 except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: In the interests of arboricultural amenity

11. No pedestrian access shall be formed within the existing landscaping/hedge along the boundary of the site with Maidstone Road unless express permission has been given by the Local Planning Authority.

Reason: In the interests of the character and appearance of the streetscene.

12. The development shall not commence above slab level until a plan has been submitted to and approved by the Local Planning Authority which details the location of the existing mature conifer hedge between The Gables and Rosmann. The identified hedge shall be retained on the site in perpetuity unless permission is granted for its removal by the Local Planning Authority. . If any part of the hedge is removed, uprooted or destroyed or dies, a replacement section of hedge shall be planted and that hedge shall be of such size and species, and shall be planted at such time and in a position to be agreed with the local planning authority, as may be specified in writing by the local planning authority;

Reason: In the interests of visual and residential amenity.

13. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

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

14. Prior to the occupation of the building hereby permitted, a minimum of one electric vehicle charging point shall be installed upon or within the approved garage building. The charging point shall be maintained and retained in perpetuity.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

15. The development shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the dwellinghouse by means such as swift bricks, bat tubes or bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

16. No development shall take place above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall include a planting specification, a programme of implementation and a 5 year management plan.

Reason: In the interests of visual amenity and landscape impact.

17. All planting, seeding and turfing specified in the approved landscape details shall be completed no later than the first planting season following occupation. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of visual amenity.

Case Officer: Lucy Harvey

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.