

## REPORT SUMMARY

<b>REFERENCE NO - 17/505995/FULL</b>		
<b>APPLICATION PROPOSAL -</b> Erection of a detached five bedroom dwelling with associated parking.		
<b>ADDRESS -</b> Court Lodge Farm, The Street, Teston Maidstone Kent ME18 5AQ		
<b>RECOMMENDATION -</b> GRANT PLANNING PERMISSION subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION -</b> The proposed development is acceptable with regards to the relevant provisions of the development plan; the NPPF and all other material considerations such as are relevant. Approval is recommended subject to planning conditions.		
<b>REASON FOR REFERRAL TO COMMITTEE –</b> Cllr Fay Gooch have requested that the application is reported to the Planning Committee if Officers are minded to recommend approval.		
<b>WARD</b> Barming and Teston	<b>PARISH/TOWN COUNCIL</b> Teston	<b>APPLICANT</b> Mr Colin King <b>AGENT</b> Mark Carter Design
<b>DECISION DUE DATE</b> 11/01/18	<b>PUBLICITY EXPIRY DATE</b> 22/12/17	<b>OFFICER SITE VISIT DATE</b>
<b>RELEVANT PLANNING HISTORY</b>		
No relevant planning history		

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site is a triangular shaped plot of land taken from the existing larger side residential garden of Court Lodge Farm a detached grade II listed dwelling located within the Teston Conservation Area. The site is located within the built up part of the village of Teston and is currently laid to lawn with trees and hedgerows. The main building, Court Lodge Farm, is to the east of the site with the grade II listed St Peter and St Paul's Church to the north east. Immediately to the west of the site is a public footpath which connects the private access track serving the Court Lodge Farm complex to Church Street. Beyond this footpath is the modern detached dwelling known as Ridgewood. The southern boundary of the site abuts the private access track serving Court Lodge Farm complex.
- 1.02 Teston has no defined settlement boundary in the adopted Maidstone Borough Local Plan and therefore in planning terms is considered to be within the open countryside. The existing pattern of development within the street is mixed, comprising mainly of two-storey dwellings and converted farm buildings of a range of ages from listed buildings through to very modern dwellings. There is no defined building line or pattern of gaps within the street. The site itself is slightly elevated in relation to the access track serving the complex and there is a change in ground levels in the vicinity of the site in a general south to north direction. There are a number of trees within the site which are protected by virtue of being within the Teston Conservation Area.

## **2.0 PROPOSAL**

- 2.01 Planning permission is sought for the erection of a detached two-storey dwelling with associated driveway and parking all on land taken from the residential garden and to the side of Court Lodge Farm. The proposed five bedroom dwelling, that would infill a gap in the streetscene between Court Lodge Farm and Ridgewood, would be of a similar scale and height to the adjacent residential dwellings. The proposed building would be set back approximately 10 metres from the access track serving the complex, retaining a separating gap of approximately 20 metres with the grade II listed building. The gap with the neighbouring building to the west of the site would be just under 10 metres.
- 2.02 The ground floor would provide a hall, living room, kitchen diner and a study. There would be five bedrooms on the first floor with a separate family bathroom and ensuite bathroom for the master bedroom. Materials proposed for the dwelling include red painted render, brickwork and plain roof tiles which reflects those used on surrounding properties.
- 2.03 Access would be gained from a new driveway to be provided to the front of the property off the existing private track serving the Court Lodge Farm complex. The submitted plans also indicate the use of permeable paving on the hardstanding area that is capable of providing parking spaces for up to 3 vehicles.
- 2.04 The proposed development would see the removal of a number of low quality trees at the rear of the site and the replacement of part of the mixed hedge along the front boundary. The established Lime tree located close to the south western boundary would be retained and protected.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

- 3.01 The National Planning Policy Framework (NPPF): Paragraph 49, 50, 53, 55, 56, 57, 61 and 128, 129, 131, 132, 134, 137 and 138.  
Development Plan: SP17, SP18, SP23, DM3, DM1, DM4, DM8, DM11, DM12, DM23 and DM30 of the adopted Maidstone Borough Local Plan

## **4.0 LOCAL REPRESENTATIONS**

- 4.01 **Local Residents:** 8 representations received from local residents raising the following (summarised) issues:
- Design not in keeping with existing dwellings
  - Harm to conservation area
  - No permission within deeds for construction traffic
  - Commercial use of existing dwelling
  - Adverse impact on highway safety
- 4.02 1 representation received from a local resident expressing support for the application for the following (summarised) reason:
- Proposal in a sustainable location
  - Enhancement to Conservation Area
  - No amenity impacts
  - No adverse impact on traffic

## **5.0 CONSULTATIONS**

- 5.01 **Heritage and Conservation:** No objection subject to a condition on materials.
- 5.02 **KCC Archaeology:** No objection subject to a condition requiring an archaeological watching brief.
- 5.03 **Landscape officer:** No objection

## **6.0 APPRAISAL**

### **Main Issues**

- 6.01 The application seeks planning permission for the erection of a detached five bedroom dwelling with associated parking on land taken from the residential garden of Court Lodge Farm. Therefore, the main issues for consideration are:
- Principle of Development
  - Visual Impact and Heritage Impact
  - Residential Amenity
  - Parking/Access and Highway Safety implication
  - Landscaping

#### Principle of development:

- 6.02 The Local Planning Authority is satisfied that it is able to demonstrate a 5 year housing land supply and as such the policies in the adopted Local Plan should be afforded full weight. The adopted Maidstone Local Plan (2017) identifies the site as falling in the open countryside outside the settlement boundary. The site is therefore subject to policy SP17 of the adopted Maidstone Borough Local Plan (Adopted 10/2017). Policy SP17 states that 'development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.
- 6.03 Policy D11 of the adopted Local Plan seeks to restrict development on residential garden land to that which respects the existing character, pattern and layout of the built environment without detriment to visual amenity. Policy DM12 requires that new housing development should be at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Policy DM4 aims to safeguard buildings and areas of special architectural or historic interest.
- 6.04 NPPF guidance in (para. 132) requires Local Planning Authorities to give great weight to conserving designated heritage assets when considering the impact of proposed development on their significance. In this case, the site is located within the curtilage and setting of a number of grade II listed buildings and The Teston Conservation Area. Therefore, the Local Planning Authority needs to be satisfied that the development would either preserve or enhance the setting of these heritage assets.
- 6.05 The harm posed by the new development is 'less than substantial' (NPPF 134) and the public benefits of the proposal in the provision of a new dwelling in a sustainable location (as set out below) weigh in favour of approving the application. This view is supported by the Council's Conservation Officer who has confirmed that the application land is not critical to the curtilage of Court Lodge Farm which will retain a

sizeable garden. The proposal would make a positive contribution to local character and distinctiveness in accordance with the NPPF (paragraph 131) which again weighs in favour of the approval of the application.

- 6.06 The application site forms part of the residential garden of Court Lodge Farm and is currently used as garden land serving this property. Therefore, the proposal represents development within residential garden land located to the western flank of the grade II listed property. Development within residential garden land is permitted if there is no harm to the layout or character of the wider area or harm to the outlook or amenity of residents overlooking or abutting the site.
- 6.07 Government guidance in the National Planning Policy Framework (NPPF) states (para. 49) that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF states (para. 55) that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 6.08 The application site is located within reasonable distance of Tonbridge Road (A26) with the nearest bus stop located within 300 metres of the site. Whilst the access has no designated pedestrian walkway, it is infrequently used by cars and as such there is no vehicle conflict. Teston has a number of facilities including shops and a public house, with the nearest doctor's surgery within 0.6 miles in Watringbury.
- 6.09 In summary and having regard to the development plan policies and government guidance set out above, the principle of this proposed development within the residential garden of Court Lodge Farm is considered acceptable. The development is in a sustainable location and as set out in more detail below the proposal would preserve the historic significance of the grade II listed building and the Teston Conservation Area.

#### Visual Impact and Heritage Impact

- 6.10 The new building would retain a separating distance of approximately 20 metres with the western flank of this grade II listed property, which is considered sufficient in ensuring that its significance and features of special interest are not compromised.
- 6.11 The proposed development would have a separating distance of approximately 45 metres from the grade II listed St Peter and Paul's church to the north east of the site which is sufficient to ensure that its significance and features of special interest are safeguarded. The development due to its height and location would not have any significant adverse impact on views of the grade II listed St Peter and Paul's Church (from within the access track serving the Court Lodge Farm complex), or any publicly accessible area in the vicinity of the site.
- 6.11 The application site is located within a predominantly residential street that has a variety of house types of differing scale and age with differing set-backs from the road. Therefore, the proposed location of the building set back approximately 10 metres from the front boundary would not cause any significant harm to the character of the street. Also of relevance is the fact that the development that would result from this proposal would be consistent with the semi-informal pattern of development within the vicinity of the site. It would thereby constitute a further unassuming change within the locality.
- 6.12 The proposed scheme replicates the low density approach of the existing residential development in the vicinity of the site. The plot is of a reasonably large size and given

that the proposed building is consistent with the scale of properties in the vicinity, it would not appear as a cramped form of development. Moreover, in view of that fact that the site is relatively well contained due to its location and surrounding vegetation, the development would not appear prominent or visually harmful within its surroundings.

- 6.13 Overall, the design of the new dwelling draws on elements of the properties within the vicinity, and whilst it is a relatively large property, I am satisfied given its set back from the adjacent buildings, that it would not appear visually dominant or incongruous when viewed in the context of neighbouring developments. It is considered acceptable in relation to on visual amenity as a consequence. The development would not be detrimental to or harm the setting of the neighbouring grade II listed buildings.

#### Residential amenity

- 6.14 Given the separation distances between the new house and existing neighbouring properties and the scale, design and siting of the building, I am satisfied that it would not result in a significant loss of privacy, light or outlook to any neighbour.
- 6.15 It is not considered that the new dwelling with its associated comings and goings and use of the existing access track would result in an unacceptable increase in noise and disturbance to existing properties.
- 6.16 The proposal retains an acceptable amenity area for the main dwelling and would also secure an acceptable residential environment for future residents. It is considered to comply with requirements of policy DM1 of the adopted Maidstone Borough Local Plan.

#### Parking/Access/Highway safety implications

- 6.17 The proposed dwelling would make use of the existing vehicle access track serving the Court Lodge Farm complex. It would also benefit from the 3 parking spaces, private drive and vehicle turning area. I am therefore satisfied that the proposal would have adequate parking and turning facilities within the site. The additional vehicle movements associated with this property are not considered significant enough to object on highway safety grounds.

#### Landscaping

- 6.18 The proposed development would see the removal of a number of low quality trees located on the rear part of the site. The Landscape Officer considers the submitted tree survey, protection and removal plans acceptable and does not raise any objections on arboricultural grounds.
- 6.19 The submitted tree protection plan indicates the retention of the matured Lime tree close to the front boundary. With this considered, I am satisfied that an appropriate landscaping scheme can be achieved within this scheme and this would be secured by condition.

#### Other Matters

- 6.20 Foul sewage can be disposed via the mains sewer and surface water via a sustainable drainage system which would be secured by condition. Given the scale, nature and location of the site, no further details are required in terms of land contamination, flood risk and air quality.

- 6.21 The proposal represents an acceptable small scale windfall development which for the reasons set out above will not result in any material harm to the locality of the site and therefore considered to be acceptable. There would be no significant adverse impact on local services.
- 6.22 Objections have been raised on grounds that the proposals would result in harm to the amenities of the area as the main building at the site is currently in commercial use. The Town and Country Planning Use Classes Order (1987) (as amended), allows for a change from a Class C3 (Dwelling House) to Class C4 (House in Multiple Occupation) occupied by 3-6 people. An overriding planning objection to this proposal cannot be raised on these grounds.
- 6.23 Further comments have been received objecting to the proposal on grounds that there is no permission within the deeds for the use of the access track serving the complex by construction traffic. Matters relating to private interests are not material considerations that can be considered as part of this application.
- 6.24 The current proposal includes 3 dedicated off street parking and as such it would not exacerbate parking problems in the vicinity of the site. Therefore, there is justification in planning terms to permit this development.
- 6.25 The issues raised by Councillor Fay Gooch and the local residents have been addressed in the main body of this report.

## **7.0 CONCLUSION**

- 7.01 This proposal is acceptable in terms of design and appearance, and there are no adverse impacts on the character, appearance and visual amenity of the locality generally. The proposals would not cause undue harm to the setting of the nearby grade II listed buildings and the Teston Conservation Area. It does not raise any overriding parking or highway safety issues.
- 7.02 Having assessed this submission against the requirements of SP17, SP18, SP23, DM3, DM1, DM4, DM8, DM11, DM12, DM23 and DM30 of the adopted Maidstone Borough Local Plan (2017) and provisions of the NPPF, I am satisfied that the proposed development is acceptable with respect to local and national planning policy. In the circumstances, it is recommended that this application is approved subject to appropriate conditions.

## **8.0 RECOMMENDATION GRANT planning permission subject to the following conditions:**

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

Reason: In accordance with the provisions 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. Notwithstanding the information on the approved plans, no development shall take place until written details of samples of materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details shall include cast aluminium rain water goods, aluminium windows, kent peg roof tiles, brick and mortar

masonry sample and either cedar or patinated copper as finishing surface for the front portico. The details shall also specify window sections show that the new windows are set back into the reveals – to create the depth in the elevations that is suggested on the planning drawings. The details of the material shall also include sparrow boxes/bricks incorporated into the development. The development shall be carried out in accordance with the approved details.

Reasons: In the interest of amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

3. The development hereby approved shall not be occupied until the access and parking areas shown on drawing no: 3124-003 Rev B, have first been provided. The approved access and parking areas shall be retained at all times thereafter with no impediment to their intended use.

Reason: In the interests of the free flow of traffic and highway safety.

4. Prior to any part of the development hereby approved reaching damp proof course details of a decentralised and renewable or low-carbon sources of energy and how they will be incorporated into the development shall be submitted for prior approval in writing by the Local Planning Authority. The approved details will be in place before first occupation of any part the development hereby approved and maintained as such at all times thereafter.

Reason: To secure an energy efficient and sustainable form of development to accord with the provision of the NPPF.

5. Prior to occupation of the proposed new dwelling a minimum of one accessible electric vehicle charging point shall be installed and ready for use and in accordance with details that have previously been submitted to and approved in writing by the local planning authority that includes a programme for installation, maintenance and management with the points retained thereafter and maintained in accordance with the approved details.

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

6. Prior to any part of the development hereby approved reaching damp proof course a scheme for the disposal surface water (which shall in the form of a SUDS scheme) shall be submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure satisfactory drainage in the interests of flood prevention.

7. Before first occupation of the development hereby approved the boundary fencing specified in on the approved plans with reference number 3124-003 Rev B. A shall have been implemented and retained at all times thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of amenity.

8. No development shall not commence until details of soft landscaping and hard landscape works which shall include the use of permeable block paving upon the front parking area and driveway area indicated on the approved plans with reference number 3124-003 Rev B, 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 first occupation of the building or land;

Reason: To ensure satisfactory appearance to the development

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory external appearance to the development.

10. No development shall take place until the applicant, or their agents or successors in title, have 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 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.

11. Before first occupation, the first floor window opening on the east facing elevation of the development hereby approved (as shown on drawing no. 3124-005 Rev B) shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such to the satisfaction of the Local Planning Authority.

Reason: To prevent overlooking of adjoining property and to safeguard the privacy of existing and prospective occupiers.

12. The development hereby permitted shall be carried out in strict accordance with the following approved plans/drawings received on 16 November 2017.

Plan/Drawing 3124 - 003 Rev B Site Plans  
Plan/Drawing 3124 - 005 Rev B Elevations  
Proposed Tree removal Plan  
Proposed Tree Protection Plan

## INFORMATIVES

- (1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- (2) The applicant is advised to carry out any work to vegetation that may provide suitable bird nesting habitats outside of the bird breeding season (bird breeding season is

March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season then mitigation measures should be implemented during construction in order to protect breeding birds. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found during work, development must cease until after the juveniles have fledged.

- (3) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Team regarding noise control requirements.
- (4) The applicant is advised to carry out clearance and burning of existing woodland or rubbish without nuisance from smoke etc. to nearby residential properties.
- (5) The applicant is advised that in order to avoid nuisance to neighbours they should seek to only use plant and machinery used for demolition and construction between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
- (6) The applicant is advised that in order to avoid nuisance to neighbours they should seek to allow Vehicles to arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

Case Officer: Francis Amekor

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