

REFERENCE NO - 18/505289/FULL		
APPLICATION PROPOSAL Demolition of existing dwelling (Loxley House) and erection of a replacement dwelling with amenity space, parking, landscaping and access.		
ADDRESS - Loxley House Gravelly Bottom Road Kingswood Maidstone Kent ME17 3NT		
RECOMMENDATION - REFUSE		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal, by virtue of its scale and siting, would be contrary to Local Plan policy in that it would appear as a visually intrusive and urbanising development that would have an adverse impact upon the character and appearance of the countryside hereabouts.		
REASON FOR REFERRAL TO COMMITTEE - Councillor Fort has requested for the application to be reported to Planning Committee		
WARD Leeds	PARISH COUNCIL Broomfield & Kingswood	APPLICANT Mr R. Schroeder AGENT DHA Planning
TARGET DECISION DATE 14/12/18	PUBLICITY EXPIRY DATE 14/11/18	

Relevant planning history

- 18/503087 - Demolition of 'Loxley House' and erection of replacement dwelling – Refused (on 9th Aug 2018) for following (summarised) reasons:
 - *Proposal, by way of its siting, scale, footprint, mass and volume, would result in a development in the countryside which is incongruous and visually obtrusive – being seriously harmful to rural character and appearance of the countryside.*
 - *Absence of completed Legal Agreement fails to adequately secure removal of Loxley House – resulting in new residential development outside of settlement in isolated and unsustainable location, detrimental to character and appearance of countryside.*
- 15/509947 - Prior notification for change of use of 3 agricultural buildings to 3 dwellings – Prior Approval Granted
- MA/12/0136 - Replacement dwelling – Refused (dismissed at appeal)
- MA/10/1967 - Replacement dwelling - Refused
- MA/08/2231 - Replacement dwelling – Refused (dismissed at appeal)
- MA/04/0964 - Erection of dwelling - Refused (dismissed at appeal)
- MA/03/1932 - Erection of replacement dwelling - Refused
- MA/99/1580 – (CLD) Use as dwelling for period in excess of 4yrs - Approved

MAIN REPORT

1. SITE DESCRIPTION

- 1.01 'Loxley House' is a modest, single storey property set back some 70m from Gravelly Bottom Road and grouped with other buildings that benefit from prior notification for their conversion to 3 residential units (planning ref: 15/509947). This property was certified as a lawful residential property under planning application reference MA/99/1580.
- 1.02 The undeveloped parcel of land to the south of 'Loxley House' is of a general rectangular shape, measuring some 0.3ha in area. It is this plot of land that the new dwelling would be sited on, and it slopes upwards to the north, away from the road. This site is bound on its eastern side by a driveway serving the development to the north, and a residential property known as 'The Cottage'. For the purposes of the Local Plan, the proposal site falls within the designated countryside. The proposal site also falls within a KCC Minerals Safeguarding Area.

2. PROPOSAL

- 2.01 The proposal is for a replacement dwelling. This submission is for the same scheme that has already been refused by the local planning authority in August this year under planning application reference 18/503087.
- 2.02 The replacement 2-storey dwelling would replace 'Loxley House', and it would be sited approximately 25-30m to the south of the existing dwelling. The new dwelling would form an L-shape, with two double story bay windows and a double story protruding element above the front porch extending from the front elevation, overlooking the southern extent of the site. The proposal would stand some 9.7m in height, and would have a hipped style roof and would be built with plain clay roof tiles and facing stock brick. The proposal would make use of the existing access.

3. POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan 2017: SS1, SP17, DM1, DM23, DM30, DM32
- National Planning Policy Framework (2018)
- National Planning Practice Guidance
- Maidstone Landscape Character Assessment
- Kent Minerals and Waste local Plan (2016)

4. LOCAL REPRESENTATIONS

- 4.01 3 representations received from local residents support the proposed development.

5. CONSULTATIONS

- 5.01 **Councillor Fort:** Has requested the application be reported to Committee;
- "I have visited the site and can see no reason to refuse the application. It is not visibly intrusive as it cannot be seen from a public vantage point. The Parish Council wish to see the application approved and there have been no objections whatsoever."*
- 5.02 **Broomfield and Kingswood Parish Council:** Councillors made no comment and requested that this be deferred to planning officers for determination.
- 5.03 **KCC Highways:** Have commented that the development proposal does not meet the criteria to warrant involvement from the Highway Authority.
- 5.04 **KCC Minerals Safeguarding Team:** Have made no comment and so it is assumed that they raise no objection to the proposal.

6. APPRAISAL

Main Issues

- 6.01 The Local Plan states the principal focus for residential development in the borough should be in the defined urban area, then Rural Service Centres and then Larger Villages. In other locations, protection should be given to the rural character of the borough and development proposals in the countryside will not be permitted unless they accord with other policies in the Local Plan and (amongst other considerations) will not result in harm to the character and appearance of the area.
- 6.02 As an exception to the normal constraints for development in the countryside, Local Plan policy DM32 does allow for replacement dwellings in such areas provided certain criteria are met. In summary, it has been accepted that 'Loxley House' does have lawful and permanent use as a dwelling and the building is not listed.

- 6.03 As such, and in accordance with Local Plan policy DM32, the main issues for consideration are whether the mass and volume of the replacement dwelling would be more visually harmful than the original dwelling and would the replacement dwelling appear visually acceptable in the countryside.
- 6.04 This submission is for the same scheme that has already been refused by the local planning authority in August this year, under planning application reference 18/503087. The only difference is that this submission includes a draft Unilateral Undertaking that seeks to ensure the demolition of 'Loxley House' on completion of the new dwelling if permitted. The Unilateral Undertaking has been reviewed by the Council's Legal Team and is considered to be unacceptable for several reasons. The applicant has been informed of this but an amended (and agreed) Unilateral Undertaking has not been produced.

Visual impact

- 6.05 'Loxley House' is a low level building that is set back some 70m from Gravelly Bottom Road and estimated to have a footprint of some 150m². This building is set behind existing low level buildings (that are being converted to residential use) and is not visible from the road or any other public vantage point. In contrast, the replacement dwelling would only be set back from the road by some 35m; it would have a footprint area of nearly 300m²; it would be 2-storey, standing some 9.7m in height; and it would have a frontage expanse of some 25m with bulky front projecting features. The mass and volume of the proposal would be exacerbated by the rising land level from Gravelly Bottom Road; and the erection of this substantial replacement dwelling, together with the change of use of the land to garden and the addition of the domestic paraphernalia would see what is currently an undeveloped parcel of land become urbanised in character and appearance, eroding the rural character of the area. The proposal, given its scale, design and siting, would also be at odds with surrounding development that is more low-key, more simplistic in appearance, and set back from the road. As previously agreed by the Planning Inspectorate, it is also considered that boundary fencing and new planting measures would not adequately mitigate the impact of a replacement dwelling of this scale, bulk and height on what is land clearly visible from the road. In summary, the scale and siting of the replacement dwelling would result in a more prominent, incongruous and visually harmful development, when compared to the discrete 'Loxley House' and surrounding development.
- 6.06 Whilst previous appeal decisions on the site for replacement dwellings pre-date the adoption of the current Local Plan, they are still considered to be material planning considerations in the assessment of this application. Indeed, the previous schemes dismissed at appeal are similar to this proposal, in terms of scale and siting; and the context of the application site and the surrounding area is not considered to have significantly changed to warrant approving this current application. Under these appeals, Planning Inspectors have consistently stated that such a development here would be significantly more intrusive and urbanising than 'Loxley House'; and its appearance would be completely at odds with the surrounding buildings, dominating these low key buildings, and being far more visually intrusive than the adjacent dwelling to the west, known as 'The Cottage'.
- 6.07 With everything considered, the replacement dwelling would be significantly more visually intrusive and harmful than the original dwelling; and it would not respond positively to, or enhance, the local character of the area. The resulting unacceptable visual harm to the character and appearance of the countryside hereabouts would therefore be contrary to the relevant Local Plan policies and the aims of the NPPF that seeks new development to achieve good design.

Other matters

- 6.08 As previously accepted under the recent planning application (ref: 18/503087), no objection continues to be raised to this proposal in terms of residential amenity; highway safety; biodiversity; and on arboricultural grounds.
- 6.09 The agent draws attention to other replacement dwelling applications in Gravelly Bottom Road and that this has set a precedent for the proposed development. The virtues of these applications are not for discussion here and each application must be considered on its own merits. These applications are not therefore considered to be justification to allow this harmful development that is now proposed.
- 6.10 Councillor Fort's representations have been considered in the assessment of this application, and just to clarify that Broomfield and Kingswood Parish Council have not stated that they wish for the application to be approved and have not requested that the application be reported to planning Committee.
- 6.11 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

7. CONCLUSION

- 7.01 The proposal, by virtue of its scale and siting, would be contrary to Local Plan policy in that it would appear as a visually intrusive and urbanising development that would have an adverse impact upon the character and appearance of the countryside hereabouts. A recommendation of refusal of this application is therefore made on this basis.

8. RECOMMENDATION

- 8.01 REFUSE planning permission for the following reasons:
- (1) The proposal, by virtue of its siting, scale, mass and volume would result in a development in the countryside which is incongruous and visually obtrusive, causing unacceptable harm to the rural character and the appearance of the countryside hereabouts. The proposal would therefore fail to accord with Maidstone Local Plan (2017) policies SP17, DM30 and DM32, and the revised NPPF (2018).
 - (2) In the absence of a completed legal agreement the proposal fails to adequately secure the removal of the existing dwelling known as Loxley House. The proposal would therefore result in new residential development outside of settlement in an isolated and unsustainable location that would be detrimental to the character and appearance of the countryside hereabouts, contrary to Maidstone Local Plan (2017) policies SS1, SP17, DM30 and DM32, and the revised NPPF (2018).

Case Officer: Kathryn Altieri