

REFERENCE NO - 20/506036/FULL		
APPLICATION PROPOSAL Demolition of existing chalet bungalow, garage and 2no. outbuildings, removal of 2no. stationed units and the erection of 1no. four bedroom, part single/part two storey dwelling with associated carport, cycle store and landscaping (Resubmission of 20/503142/FULL).		
ADDRESS Vine Cottage Pye Corner Ulcombe Maidstone Kent ME17 1EF		
RECOMMENDATION Refuse planning permission		
SUMMARY OF REASONS FOR RECOMMENDATION The size, design, siting, bulk and massing and large expanse of flat roof, in conjunction with the loss of trees on the site, would result in an adverse visual impact detrimental to the openness of the surrounding countryside.		
REASON FOR REFERRAL TO COMMITTEE Ulcombe Parish Council wish to support the application for the following reasons: Vine Cottage sits in a quiet rural lane. It has been a derelict eyesore for many years. The proposed development follows principles of good design (DM1). Great care has been taken to protect and improve the biodiversity of the site (DM3). Use of sympathetic materials will be used to enhance local landscape features and to ensure that the proposed development sits within the local landscape. (DM30) Previous concerns regarding the bulk and size of the proposed development have been addressed with the change in shape and design.		
WARD Headcorn	PARISH/TOWN COUNCIL Ulcombe	APPLICANT Mr Turner AGENT Kent Design Studio Ltd
TARGET DECISION DATE 11/03/21		PUBLICITY EXPIRY DATE 08/02/21

Relevant Planning History

93/1320

Two storey rear extension (second storey within roof space) and change of use of agricultural land to residential garden area as amended by site location plan dated 3 December 1993. (The building works were carried out at the time of the permission, but the land was extended more recently.)

Approved Decision date: 11.02.1994

17/505708/FULL

Demolition of existing dwelling and garage and erection of a new 4 bedroom dwelling and detached garage.

Withdrawn Decision Date: 12.02.2018

18/503313/FULL

Demolition of existing chalet bungalow, garage and two outbuildings and the erection of a four bedroom, two storey dwelling with car parking and a new vehicular access and landscaping. (Revision to 17/505708/FULL).

Refused Decision Date: 05.09.2018

19/505727/PAMEET

Pre-Application Meeting - Previous application and appeal number 18/503313/FULL.

20/503142/FULL

Demolition of existing chalet bungalow, garage and 2no. outbuildings, removal of 2no. stationed units and the erection of 1no. four bedroom, part single/part two storey dwelling with associated carport, cycle store and landscaping (Resubmission of 18/503313/FULL). Refused on 05.10.2020 for the following reason:

(1) The proposed development, by reason of its size, design, siting, bulk and massing and

large expanse of flat roof, in conjunction with the loss of trees on the site, would result in an adverse visual impact detrimental to the openness of the surrounding countryside. For these reasons, the application site would be contrary to policies SP17, DM1, DM30 DM32 of the Maidstone Local Plan 2017, the Maidstone Landscape Character Guidance 2012, and policies within the NPPF 2018.

Appeal History:

18/503313/FULL

Demolition of existing chalet bungalow, garage and two outbuildings and the erection of a four bedroom, two storey dwelling with car parking and a new vehicular access and landscaping. (Revision to 17/505708/FULL).

Dismiss or Dismiss -Notice Upheld/Varied Decision Date: 13.08.2019

The mass, height and bulk of the building and expanse of uninterrupted roof would still be visible above and over the existing building despite the lowering of the ground level and the increased distance from the road. Any additional screening would need to be of a height and density that of itself would look unusual or out of place within the context of this unassuming rural lane. I therefore conclude that the development would be harmful to the character and appearance of the area. It would fail to accord with policies SP17, DM1, DM30 and DM32 of the LP and the Maidstone Landscape Character Assessment Supplement 2012. Taken together these policies seek to ensure that development responds positively to natural character, is of high quality design, contributes positively to the conservation and enhancement of the protected landscape, would be no more visually harmful than the original dwelling and would result in a development which is visually acceptable in the countryside.

MAIN REPORT

1. DESCRIPTION OF SITE

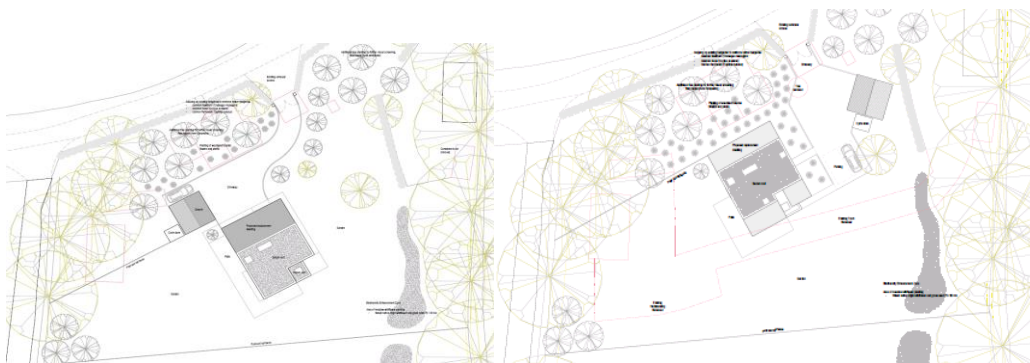
- 1.01 The site is located in the open countryside with only sporadic buildings in the area. It is within the designated Landscape of Local Value (Ulcombe Low Weald). The application site currently comprises a modest chalet bungalow with a single garage to the east. Fields are located to the north east and south of the site, with an agricultural use to the west of the site. The levels are relatively even.
- 1.02 There is sporadic housing in this location, and the original property is sited immediately adjacent to the rural lane in a fairly isolated position. A small group of mixed single and two storey dwellings are located approximately 180 metres to the northeast of the application site.
- 1.03 The original dwelling comprises a petite cottage with two bedrooms in the pitched tiled roof with gable ends. A modest single garage is sited to the side of the dwelling. The site is accessed from Headcorn road (to the north). It has one off street car parking space immediately to the east of the existing property. However, an access has now been formed off an existing track which runs along the eastern boundary of the site.

2. PROPOSAL

- 2.01 The proposal comprises the demolition of the existing chalet bungalow, garage and 2no. outbuildings, the removal of 2no. stationed units and the erection of 1no. four bedroom, part single/part two storey dwelling with associated carport, cycle store and landscaping (Resubmission of 18/503313/FULL).
- 2.02 It would be set back from the front footprint of the original property by approximately 10 metres (approximately 15 metres from the roadside) with a new drive located via the north of the site, with the access in a similar position to the existing single garage adjacent to the original property. An access to the northeast

of the site is already in existence, and the site has been cleared and a mobile home is currently in place to the west of the site, in which the family are currently housed.

- 2.03 The new dwelling would have an entrance to the east of the site. To the left (as you walk in) would be a study and a utility room leading out to the garden door. To the right is a shower room and bedroom. At the end of the hall would be a kitchen/dining/living space. On the first floor are three bedrooms, all with en-suite bathrooms, and one with an additional dressing room.
- 2.04 The property would be two storeys in height with a lean-to roof at the sides of the property and a flat sedum roof across the majority of it. There would be a double garage and cycle store set back from the road frontage by approximately 17 metres and located to the east of the proposed new dwelling.
- 2.05 The location plan on the current application shows an increase in the residential curtilage of the property which has already been put into place.
- 2.06 An application was submitted immediately prior to the current application which was subsequently refused. It had a similar description and the scale, height and proportions were similar to the current application. The main changes related to the site layout as shown below.



20/503142/FULL – Refused 05.10.2020 Site plan for the current application

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017 SS1, SP17, DM1, DM3, DM23, DM30, DM32, DM33
Neighbourhood Plans N/A
Kent Minerals and Waste Local Plan 2016 N/A
Supplementary Planning Documents: Maidstone Landscape Character Assessment
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 10 representations received from local residents raising the following (summarised) issues
 - Improvement to the run-down site and uplifts the character of the area
 - The new house appears to be very well designed and will be unobtrusive, if allowed to be built further back on the plot.
 - The site is one of the few remaining settled residences increasingly dominated by Gypsy and Traveller site developments in this small enclave.

- 4.02 Issues relating to the number of gypsy and traveller sites in the area are not material planning considerations and therefore cannot be taken into account in the determination of this application. The other matters raised by neighbours and other objectors are discussed in the detailed assessment below.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Ulcombe Parish Council

- 5.01 Ulcombe Parish Council wish to support the application for the following reasons: Vine Cottage sits in a quiet rural lane. It has been a derelict eyesore for many years. The proposed development follows principles of good design (DM1). Great care has been taken to protect and improve the biodiversity of the site (DM3). Use of sympathetic materials will be used to enhance local landscape features and to ensure that the proposed development sits within the local landscape. (DM30) Previous concerns regarding the bulk and size of the proposed development have been addressed with the change in shape and design.

KCC Highways

- 5.02 This development proposal does not meet the criteria to warrant involvement from the Local Highway Authority in accordance with the current consultation protocol arrangements. Informative added with regard to highways owned land.

Environmental Protection

- 5.03 Air quality and noise are not considered to be an issue, and the land is not identified as contaminated. Since the location is quite rural and apparently not near a mains sewer, details of the proposals for foul drainage would be requested. An EV charging point would also be requested.

KCC Ecology (comments provided on application referenced 20/503142/FULL)

- 5.04 The information submitted is satisfactory and there is no requirement for a dormouse survey to be carried out as the majority of the habitat is to be retained. However, a precautionary approach will have to be implemented when removing hedgerow to create the access, but this can be secured by condition along with the requirement for ecological enhancements.

Landscape Officer Refer to 18/503313

- 5.05 No objections subject to landscape conditions

Natural England

- 5.06 No comment

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Principle of development and sustainability
 - Design and appearance
 - Visual amenity, landscape and layout
 - Impact on neighbour amenity
 - Biodiversity

- Highways

Sustainability

- 6.02 Para 4.27 of the supporting text for SS1 states that, 'It is important that the quality and character of the countryside outside of settlements in the hierarchy is protected and enhanced' Para 4.29 (Land availability) states, 'The studies show that the local housing target can be met from within the existing built-up area and on sites with the least constraints at the edge of Maidstone, the rural service centres and the larger villages.'
- 6.03 It is noted that there is already a dwelling on the site. This being the case, although residential development in an unsustainable location would not generally be supported outside the identified settlement areas, a replacement dwelling would be acceptable provided it fulfils the criteria contained within the policy.

Design and appearance

- 6.04 DM1 (Principles of good design) states that new development should, 'respond positively to, and where possible enhance, the local, natural or historic character of the area and policy DM32 states that the mass and volume of the replacement dwelling should be no more visually harmful than the original dwelling. It should also be noted that para 8.7 of the supporting text of DM32 sets out that in considering (replacement) proposals, the council will have particular regard to the mass and visual prominence of the resulting building, including the cumulative impact of such changes. The volume of new development will be more critical than its footprint. The table below demonstrates the size of the original dwelling compared with the previous proposal (dismissed on appeal) and the current proposal.

	Original property	Proposed dwelling dismissed at appeal	Current proposal
Floor area	82 square metres	260 square metres	220square metres
Eaves height	2.3 metres	5.1 metres	2.8 metres
Ridge height	5.2 metres	7.6 metres	5.7 metres
Length of elevation Fronting road	8.5 metres	15.2 metres	11 metres
Depth of property (front to rear of site) at first floor level	7.1 metres	16.9 metres	14.3 metres
Garage	single	n/a	double

- 6.05 In terms of the siting and layout, the dwelling would sit further back in the site than the original dwelling which is much closer to the road. The new access would be sited further north than the dwelling, and the access drive would extend to the northeast of the property which would be the principle elevation. A double garage with a pitched roof and gable ends (measuring 5.8 metres x 5.8 metres) would be located to the east of the proposed dwelling. The front of the site would be extensively landscaped and the rear would be laid to grass.
- 6.06 The elevations of the proposed development show a contemporary styled property, with limited features such as guttering and chimneys. The roof of the property would extend from the walls without any material changes, and the flat roof element would be sedum. The table above sets out that the proposed dwelling would be substantially larger than that of the original dwelling, although the site plan shows it located well back in the site in order to reduce its overall impact. However, despite its siting, the increase in height from the original dwelling along

with the depth of the property into the site (double that of the original dwelling) would result in a more dominant form.

- 6.07 Following the appeal decision, the current application has been reduced in length, depth and height. However, although the ridge height of the proposed dwelling has been reduced by approximately 2.0 metres, the large expanse of flat roof extends towards the rear of the site by some 8.5 metres and this would be visible from long views from the public right of way and partially from the rural lane. The floor area (including the garage) would only be marginally lower than that of the dismissed appeal, and would be approximately three times larger than the existing cottage. The large expanse of flat roof may have been reduced in height but would still result in a building with solid, rectangular elevations, and an unacceptable increase in bulk and massing which would be considered visually intrusive in the locality. I note that the proposed development would be constructed in timber and would incorporate a sedum roof. Although the contemporary design would create a more interesting visual appearance, the bulk and massing of the building, despite its setback from the siting of the original dwelling would result in a greater visual impact that would be considered detrimental to the openness of the rural character of the area contrary to policies DM1 and DM32.

Visual amenity, landscaping and layout

- 6.08 Policy SP17 defines the countryside as, '...all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policy map.' It continues, '1. 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. Furthermore, Para 4.113 of the supporting text of SP17 sets out that the council would seek to conserve or enhance its valued landscapes.
- 6.09 Policy DM1 sets out that the topography of sites should reflect and respond to their location. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character around the site boundaries should be used as a positive tool to help assimilate development in a manner which reflects and respects the local character of the area. In addition, DM30 states that the type, siting, materials and design, mass and scale of development would maintain or where possible enhance local distinctiveness including landscape features.
- 6.10 Policy DM32 allows for replacement dwellings subject to the original property having a lawful and permanent residential use, the building is not listed, the replacement would not be more visually harmful than the original dwelling and it would result in a development that would be visually acceptable in the countryside. The development proposal should also result in the demolition of the original dwelling.
- 6.11 The locality comprises largely open areas of countryside, and the site is within the Low Weald Landscape of Local Value. The Maidstone Landscape Character Guidance identifies the area as being within the Ulcombe Mixed Farmlands. The condition of the land is very good, and the area is identified as being of very high sensitivity with guidelines to conserve. Development proposals within Landscapes of Local Value should, through their siting, scale, mass, materials and design, seek to contribute positively to the conservation and enhancement of the protected landscape. The Low Weald is recognised as having distinctive landscape features, the field patterns, hedgerows, stands of trees, ponds, streams and buildings of character and these should be conserved and enhanced where possible. The replacement building would

be set back from the front of the site, away from the highway in order to reduce the impact of the extension, however, its design, bulk, massing and roof form would be such a contrast to the modest scale of the original cottage, that the re-siting of the building would not overcome the issues raised. In addition, a new access would result in further hardstanding in this highly sensitive location, and the formation of brick piers and gates (indicated on the site plan but not detailed) would be likely to create a further alien form amidst the natural environment. It is noted that there is a public footpath to the east of the site and the proposed development would be visible from long views up and down the public highway in addition to being visible from the public footpath.

- 6.12 Finally, the loss of trees on the site to make way for the new access would serve to make the proposal even more visible on the landscape, subsequently causing more harm to the character of the area. I noted during my site visit last year that some trees and shrubbery had been lost due to the site being cleared, and containers had been placed along the eastern perimeter of the site adjacent to boundary planting. It is not entirely clear to what extent the site has been cleared, as the existing and proposed plans seem only to have indicative planting on them. The site looks like it has been cleared except for around the perimeter. The Landscape Officer has requested that conditions relating to the submission of landscaping details should be requested in order to protect and enhance the character of the Local Landscape Value should the application be considered favourably. However, the extent of the works to be carried out on the site is considered to have a detrimental impact on the character of the area contrary to local planning policies.
- 6.13 I note the planning proposals include a large landscaped area to the front of the site in order to provide screening, which would result in the replacement dwelling being less visible from the highway. However, most other properties in the locality are sited closer to the highway. Those that are set back do not have thick landscaped areas on the site frontage. I also note in the previous appeal decision, the Inspector stated (in para 7), 'This would fail to reflect the character and appearance of the site or contribute positively to the conservation and enhancement of the protected Landscape of Local Value.' He commented further, 'Any additional screening would need to be of a height and density that of itself would look unusual or out of place within the context of this unassuming rural lane.'
- 6.14 In summary, the incorporation of this bulky building, in addition to the loss of native landscaping, would result in an awkward and dominant form, out of character with and detrimental to the openness of the countryside contrary to local planning policies SP17, DM1 and DM30.

Change of use of agricultural land to residential use

- 6.15 DM33 sets out that, providing there would be no harm to the character and appearance of the countryside and/or the loss of the best and most versatile agricultural land, the change of use of agricultural land to residential would be viewed favourably. I note that an application to extend the garden land and construct a rear extension was granted in 1993. The rear extension was constructed at the time, and the extension of the garden land was carried out in the last year. However, as this was part of an application that had already been granted and works had commenced, the change of use of agricultural land is considered extant.

Impact on neighbor amenity

- 6.16 Policy DM1 sets out that the amenities of both neighbouring properties and future occupiers should be respected by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.17 All neighbours in this area would be a sufficient distance for any impact in terms of either their amenity or that of the future occupiers to be minimised.

Biodiversity

- 6.18 Policy DM3 seeks to protect and enhance the natural environment. The information submitted as part of this application is considered satisfactory and there is no requirement for further surveys to be carried out as the majority of the habitat around the perimeter of the site is to be retained. A precautionary approach will have to be implemented when removing hedgerows to create the access, but this could be secured by condition along with the requirement for ecological enhancements should the application be determined favourably.

Highways

- 6.19 Policy DM23 sets out that two independently accessible parking spaces should be provided within a rural location and this could be provided. Cycle storage would also be required. The provision for the collection of bins and recycling waste would be required, but this could be provided by condition in addition to an electric car charging point. It is noted that KCC Highways did not have any adverse comments with regard to the new access. A condition would also be added for the provision of details of all hardstanding and parking and turning areas.

Other Matters

- 6.20 I note the positive comments from the occupiers of the neighbouring properties and Ulcombe Parish Council however, they do not overcome the issues raised with regard to the adverse impact that the proposed development would have on the character of the rural area which would be contrary to Local Plan policies.
- 6.21 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.

PUBLIC SECTOR EQUALITY DUTY

- 6.22 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 While it is accepted that the proposal has been reduced from the previous application it is, nevertheless, an unacceptable form of development that would be

contrary to policies within the Maidstone Local Plan. For this reason, I recommend refusal of the application.

8. RECOMMENDATION

REFUSE planning permission for the following reason:

- 1) The proposed development, by reason of its size, design, siting, bulk and massing and large expanse of flat roof, in conjunction with the loss of trees on the site, would result in an adverse visual impact detrimental to the openness of the surrounding countryside. For these reasons, the application site would be contrary to policies SP17, DM1, DM30 DM32 of the Maidstone Local Plan 2017, the Maidstone Landscape Character Guidance 2012, and policies within the NPPF 2019.

INFORMATIVES

- 1) The plans taken into consideration in reaching the decision to refuse planning permission are:

18 Dec 2020	Application Form
18 Dec 2020	2891 01B Site Location and Existing Block Plan
18 Dec 2020	2891 02A Existing Floor Plans and Elevations
18 Dec 2020	2891 10H Proposed Ground Floor Plan
18 Dec 2020	2891 11E Proposed First Floor Plan
18 Dec 2020	2891 14E Proposed Block Plan
18 Dec 2020	2891 15 Existing Garage Building Plans and Elevations
18 Dec 2020	2891 16 Existing Outbuilding Plans and Elevations
18 Dec 2020	2891 17 Existing Plans and Elevations Temporary
18 Dec 2020	2891 20 Proposed Roof Detail
22 Dec 2020	2891 12 G Proposed Elevations
22 Dec 2020	2891 13 D Proposed Elevations
22 Dec 2020	2891 18 Proposed Car Port Floor Plan and Elevations
19 Feb 2021	Planning, Design and Access Statement

- 2) You are advised that as of 1st October 2018, the Maidstone Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.maidstone.gov.uk/CIL

Case Officer: Jocelyn Miller