

APPLICATION: MA/09/1434 Date: 17 July 2009 Received: 11 June 2010

APPLICANT: Mr J Deakins

LOCATION: PRIMROSE COTTAGE, FAIRBOURNE LANE, HARRIETSHAM,
MAIDSTONE, KENT, ME17 1LN

PARISH: Harrietsham

PROPOSAL: Conversion and extension of existing garage into ancillary accommodation as shown on drawing number 09/****/01 received on 10/08/09 and the site location plan received on 25/11/09 and as described in the Design and Access Statement received on 25/11/09 and the letter from John Childs & Associates dated 11/03/10 and received on 11/06/10.

AGENDA DATE: 22nd July 2010

CASE OFFICER: Angela Welsford

The recommendation for this application is being reported to Committee for decision because:

- it is contrary to views expressed by the Parish Council

1.0 POLICIES

- 1.1 Maidstone Borough-Wide Local Plan 2000: ENV28, H33.
- 1.2 Government Policy: PPS1, PPS3, PPS7.
- 1.3 Maidstone Local Development Framework Residential Extensions Supplementary Planning Document (adopted May 2009).

2.0 HISTORY

- 2.1 MA/03/2134 – Erection of two storey rear and first floor side extensions, front dormers and other alterations – APPROVED
- 2.2 MA/78/1418 – Erection of a front porch – APPROVED
- 2.3 MA/75/1332 - Erection of a double garage with toilet – APPROVED

3.0 CONSULTATIONS

- 3.1 **Harrietsham Parish Council:** Wish to see the application refused and request it is reported to the Planning Committee as the application creates an additional property in a rural area, outside the village envelope.
- 3.2 **MBC Environmental Health Manager:** No objections. The location is far enough away from the major noise sources (A20, M20 & CTRL) for transportation noise not to be an issue. There are no other Environmental Health concerns.

4.0 REPRESENTATIONS

- 4.1 None received.

5.0 CONSIDERATIONS

5.1 The Site

- 5.1.1 The application site is a large plot positioned at the junction of Fairbourne Lane and Lenham Road in Harrietsham parish, containing in its centre a chalet-style dwelling and associated detached double garage. For planning purposes it is located in open countryside.
- 5.1.2 The garage, which is the subject of this application now before Members, has a pitched, clay-tiled roof and yellow-painted rendered walls. It has a footprint of approximately 10m x 6.5m, eaves height of 2.5m and a ridge height of 5.5m. It stands in close proximity to the dwelling (approximately 9m separation distance), which it faces across the block-paved parking/turning area, and is also set back approximately 30m from the site boundary with Lenham Road, (at the front of the property) which is marked by high deciduous hedging. It is also at a slightly lower level (approximately 0.3m) than that road due to the topography of the site.

5.2 The Proposal

- 5.2.1 Planning Permission is sought for the conversion and extension of the garage to a fully self-contained annex to serve as ancillary accommodation to the main house, "Primrose Cottage".
- 5.2.2 This would involve the erection of a cross-wing extension to the east elevation with a footprint of 5m x 5m, a matching eaves height and a ridge height of approximately 4.8m. The accommodation provided would be a lounge, two bedrooms, hall, utility room, kitchen and bathroom.
- 5.2.3 It is important to note that planning permission is only required because the proposal involves material external alterations to the building (extension and elevational changes) and therefore constitutes development. If no building works/material external changes were proposed, planning permission would not

be required as case-law is clear that the internal works in themselves would not constitute development so long as the accommodation is used in an ancillary manner and not as a separate dwelling, (the latter would constitute a change of use).

6.0 PLANNING CONSIDERATIONS

6.1 Principle of the Development

6.1.1 I note that the type of accommodation being proposed would be capable of being used as a separate independent dwelling. However, it is my view that the intimate relationship of the annex with the host dwelling, "Primrose Cottage", would make such separate, independent occupation unlikely - the building's very close proximity to "Primrose Cottage", (approximately 9m separation distance), and the juxtaposition of windows, which would look straight across the host dwelling's rear patio and into the rear garden area - which in my view is the main garden area as the rest is either set on a steep slope or adjacent to the road - and also facing a number of windows on the east elevation, including a bedroom at first floor level, would result in an unacceptable loss of privacy for the occupiers of both buildings and so would make it unlikely that it would be occupied as a totally independent unit.

6.1.2 Furthermore, the agent has confirmed that all services would be linked to "Primrose Cottage".

6.1.3 The proposal is to create a self-contained annex within an existing and lawful residential curtilage. The accommodation to be provided, though self-contained, would be ancillary to that in the main dwelling, "Primrose Cottage", and, as such, no change of use would occur.

6.1.4 In view of the foregoing points, I am satisfied that the ancillary relationship with "Primrose Cottage" could be adequately secured by a suitably worded condition and that the development is acceptable in principle.

6.2 Visual Impact

6.2.1 In design terms, I consider that the proposed extension would be subordinate to the existing building inasmuch as it would have a lowered ridge line as recommended in the Maidstone Local Development Framework, Residential Extensions Supplementary Planning Document (adopted May 2009), and would also be sympathetically related to it.

6.2.2 Furthermore, the existing building is set back approximately 30m from the site boundary with Lenham Road and is well-screened by established, high deciduous hedging, so is not prominent and would not, in my view, become so as a result of this proposal. I therefore consider that its visual impact on the character and

appearance of the countryside would not be significantly different as a result of this proposal.

6.3 Loss of Light and Overbearing Impact

6.3.1 There are no neighbouring properties positioned near enough to the proposed annex to be adversely affected in terms of loss of light or overbearing impact from the proposed extension.

6.4 Privacy

6.4.1 Due to the close proximity of the building to "Primrose Cottage" (approximately 9m) and the fact that it would have windows facing directly across that property's rear patio and into its rear garden and a number of windows, including a bedroom, on its east elevation, if the proposal was for a separate residential unit, the relationship and a loss of privacy would be unacceptable. However, as the proposal is for ancillary accommodation to "Primrose Cottage" (in effect, a detached extension) no such concern arises as the whole site will remain as one residential unit.

6.4.2 New residential development is currently under construction at the adjacent Fairbourne Reservoir, but due to the degree of separation, which is estimated to be in excess of 30m, together with the existing boundary treatment, consisting of approximately 2m high close boarded fencing and high, established trees and hedging, I do not consider that the proposal would have an unacceptable impact on the privacy of future occupiers of that development.

6.5 Parking/Highway Safety

6.5.1 There is an existing access that exits at the junction of Fairbourne Lane and Lenham Road, and no changes are proposed to this. Given the ancillary nature of the proposal, I do not consider that there would be a significant increase in traffic using that access as a result of this proposal, and thus access arrangements are considered acceptable.

6.5.2 Although the two parking spaces in the garage would be lost as a result of this proposal, there is ample space for parking/turning within the site to avoid any detriment to highway safety.

6.5.3 Any additional car movements could not be considered significant in the context of existing traffic volumes and movements on the local road network.

6.6 Landscaping

6.6.1 The area where the built development would take place is currently lawn, occupied by children's play equipment, thus no landscaping of any notable significance would be lost. Furthermore, no trees would be lost or harmed as a result of the proposal – there is an ornamental tree to the north of the building, but no works would come beneath its canopy, and, in any case, it is not

prominent or considered to be of significant amenity value within the locality, so does not, in my view, warrant protection.

6.6.2 As this proposal involves an existing building in an existing residential curtilage and only limited (in the context of the size of the site) external groundworks are proposed, I do not consider that, in this instance, a landscaping condition is necessary.

6.7 Ecology

6.7.1 Similarly, as this is an existing building already in ancillary domestic use and within an existing residential curtilage, with the building works proposed to take place immediately adjoining the existing building in an area used for children's play equipment, it is my view that, in this instance, there are no ecological matters to consider.

6.8 Conclusion

6.8.1 Taking all of the above into account, the proposal, subject to a suitably worded condition tying it as ancillary accommodation to "Primrose Cottage", is considered to comply with Development Plan policy and there are no overriding material considerations to indicate a refusal. Consequently, I recommend that Members grant approval with conditions as set out below.

7.0 **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. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development in accordance with Policy C4 of The South East Plan RSS 2009 and Policies ENV28 & H33 of the Maidstone Borough Wide Local Plan 2000.

3. The annex accommodation hereby permitted shall only be used as additional ancillary accommodation to the principal dwelling, currently known as "Primrose Cottage", and shall not be sub-divided, separated or altered in any way so as to create a separate independent residential unit; nor shall any external means of enclosure be erected that would physically separate the annex from "Primrose

Cottage", whether permitted by Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) or not, without the permission of the Local Planning Authority;

Reason: Its use as a separate unit would result in an unsatisfactory relationship with the principal dwelling and would represent a new and unjustified residential development in the countryside contrary to Policies ENV28 & H33 of the Maidstone Borough Wide Local Plan 2000 and Central Government advice contained in PPS1, PPS3 & PPS7.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.