

REPORT SUMMARY

REFERENCE NO: - 22/500732/FULL		
APPLICATION PROPOSAL: Demolition of existing dwelling and garages, and erection of replacement two storey dwelling and detached double garage and store.		
ADDRESS: Weald Cottage, Maidstone Road, Staplehurst, TN12 0RE		
RECOMMENDATION: REFUSE PLANNING PERMISSION for the reasons given below:		
SUMMARY OF REASONS FOR REFUSAL: The garage by reason of its large footprint, height and bulk, and its position forward of and at right angles to the front building line of Weald Cottage, would be visually obtrusive and fail to respect the character and appearance of the area. The garage would be an incongruous feature at odds with the general pattern of local development. The proposal would be contrary to Policies SP17, DM1, DM30 and DM32 of the Maidstone Borough Local Plan 2017, Policy PW2 of the Staplehurst Neighbourhood Plan and the National Planning Policy Framework.		
REASON FOR REFERRAL TO COMMITTEE: Call in from Cllr Perry. If Officers are minded to refuse planning permission Cllr Perry believes that <i>"...because of its location and its position in respect of other developments in this area the Planning Committee should have the opportunity to review the Application"</i> .		
WARD: Staplehurst	PARISH Staplehurst	COUNCIL: Staplehurst
APPLICANT/AGENT: Mr C Birkby / C.B.Wright & Associates Ltd		
CASE OFFICER: Tony Ryan	VALIDATION DATE: 08/03/2022	DECISION DUE DATE: 05/08/2022
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

21/502845/FULL Erection of a detached garage with office above (Resubmission of 21/501603/FULL). REFUSED (Committee) for the following reasons:

"By reason of its excessive footprint, height and bulk, and its position forward of and at right angles to the front building line of Weald Cottage, the proposed outbuilding would fail to respect the host dwelling, would be incongruous in the pattern of development along Maidstone Road, and would appear obtrusive and harmful to the character of the rural surroundings. To permit the proposal would therefore be contrary to Policies SP17, DM1, DM30 and DM32 of the Maidstone Borough Local Plan 2017, the Council's adopted residential extensions SPD, in particular paragraphs 5.28, 5.29, 5.30, 5.31 and 5.32, and the central government planning policy contained in The National Planning Policy Framework (February 2019)".

21/501603/FULL - Erection of a detached garage with office above and external staircase. – REFUSED (delegated) for the following reasons:

"By reason of its excessive footprint, height and bulk, and its position forward of and at right angles to the front building line of Weald Cottage, the proposed outbuilding would fail to respect the host dwelling, would be incongruous in the pattern of development along Maidstone Road, and would appear obtrusive and harmful to the character of the rural surroundings. To permit the proposal would therefore be contrary to Policies SP17, DM1, DM30 and DM32 of the

Maidstone Borough Local Plan 2017, the Council's adopted residential extensions SPD, in particular paragraphs 5.28, 5.29, 5.30, 5.31 and 5.32, and the central government planning policy contained in The National Planning Policy Framework (February 2019)".

MA/07/0554 – Detached garage – REFUSED (delegated) for the following reasons: The proposed building, by virtue of its scale, cannot be considered to be modest and would be visually incongruous in the countryside and overwhelm Weald Cottage causing unacceptable harm to its character and appearance, contrary to policies ENV28 and H33 of the Maidstone Borough-Wide Local Plan 2000 and policies EN1, QL1 and HP5 of the Kent and Medway Structure Plan 2006.

Fig 1: Existing and proposed - front elevation and site layout

- Existing



- Proposed



1.0 DESCRIPTION OF SITE

1.01 This application relates to a domestic property within a ribbon of residential development on the west side of the A229, Maidstone Road, on the northern approach to Staplehurst.

1.02 The site is located in the countryside outside any settlement boundary. The site has potential archaeological interest.

2.0 PROPOSAL

- 2.01 Demolition of the existing dwelling and garages to the side of the existing property.
- 2.02 Construction of a replacement two storey dwelling and a new detached building providing garages and storage located forward of the dwelling and adjacent to the front boundary.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): Policies SS1, SP17, DM1, DM3, DM23, DM30, DM32
- Staplehurst Neighbourhood Plan (2016): Policy PW2
- The National Planning Policy Framework (NPPF): Section 12 – Achieving well-designed place
- Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021.

The Regulation 22 draft is a material consideration however weight is limited, as it will be the subject of a future examination in public.

4.0 LOCAL REPRESENTATIONS

- 4.01 One response has been received that states that a neighbour has no objections.

5.0 CONSULTATIONS

Staplehurst Parish Council

- 5.01 Objection and recommend refusal as proposal would be obtrusive and harmful to the character of the rural setting contrary to policies SP17, DM1, DM30 and DM32 of the MBC Local Plan and paragraphs 5.28,5.29. 5.30 and 5.31 of the residential extensions SPD, and the NPPF. for the following reasons:
- footprint, height and bulk (now larger than the previous refused application),
 - position forward of and angle to the building line of the main dwelling
 - close proximity to the front of the property and main road.

KCC Highways

- 5.02 No objection subject to conditions requiring submission of a construction management plan, specification of electric vehicle chargers and standard infomatives about need for separate highway approvals.

MBC Landscape

- 5.03 With unclear and missing information, the application fails to demonstrate that the long term health of the existing boundary treatment will be maintained.

6.0 APPRAISAL

- 6.01 The key issues are:
- Visual impact
 - Residential amenity
 - Transport, highways, access and parking.

Visual impact

6.02 Local Plan Policy SP17 states that development proposals in the countryside will only be permitted where:

- a) they accord with other LP policies and
- b) they will not result in harm to the character and appearance of the area.

6.03 The current application is contrary to SP17 (b) as the site is located in the countryside and will result in harm to the character and appearance of the area.

6.04 In terms of SP17 (a) the other relevant Local Plan policies are DM30 and DM32. The development in respect of the proposed garage would be contrary to policy DM30.

6.05 Policy DM30 states that development that meets certain criteria will be permitted including where:

- **Siting, mass and scale maintain or where possible enhance local distinctiveness including landscape features.**

The proposed garage sited forward of the rebuilt property and the defined building line of nearby properties in Maidstone Road would fail to maintain and would not enhance local distinctiveness.

The garage due to its excessive size and location on the site would represent an awkward and incongruous feature in the street scene which would be detrimental to the character of the area.

- **There is no existing building suitable for conversion or reuse**

There is no evidence to demonstrate that the existing garages on the site cannot be reused or renovated. In any event, this matter would not outweigh the negative visual impact of the garages that has been identified in this report.

- **New buildings should be unobtrusively located and well screened.**

The garage building due to its size and location would represent an obtrusive feature in the Maidstone Road street scene.

The hedge on the front boundary is deciduous, so would allow views through for approximately six months of the year. The hedge is also sparse in some places and its retention cannot be guaranteed in perpetuity even through a landscaping condition. The garage would not be well screened.

The relocated garage is now closer to the front boundary than the earlier refusal and is now in the root protection area of trees on the front boundary. The comments from the Council's landscape officer suggest that the construction of the garage may actually harm the long term health of existing planting.

6.06 The development in respect of the proposed garage would be contrary to policy DM32. Policy DM32 states that development will be permitted where certain criteria are met including where:

- **The mass and volume of the replacement building is no more visually harmful than the original dwelling**

- **Replacement would be acceptable visually both individually and cumulatively.**

- 6.07 The existing smaller garages, in a similar way to the layout of neighbouring properties, are located behind the front elevation of the existing property.
- 6.08 The proposed location of the new garages is adjacent to the front property boundary and with a significant increase in volume the garages will be visually harmful.
- 6.09 Outbuildings located in front of the building line are contrary to the general pattern of local development. The proposed garage would disrupt this existing layout and appear out of keeping.
- 6.10 Policy PW2 of the Staplehurst Neighbourhood Plan states that development in the countryside will not be supported where unacceptable impact on visual setting and landscape features has been identified. The current proposal is contrary to policy PW2 for the reasons that have been outlined in this report.
- 6.11 There is no objection raised in relation to the bulk and massing of the replacement main dwelling. The replacement building is located in a similar location on the site and whilst there will be an increase in building height this will be mitigated by the reduced bulk at roof level.

Committee decision June 2021

- 6.12 The Committee refused planning permission in June 2021 for a replacement garage on the application site (21/502845/FULL). Permission was refused by the committee on the basis of the excessive footprint, height and bulk of the garage building. There has been no appeal submitted against this decision to refuse permission.
- 6.13 It was determined by the committee that, due to its position forward of and at right angles to the front building line of Weald Cottage, the proposed outbuilding would fail to respect the host dwelling, would be incongruous in the pattern of development along Maidstone Road, and would appear obtrusive and harmful to the character of the rural surroundings.
- 6.14 A comparison is provided on the next page in terms of building footprint, elevation and siting of the previously refused application for a garage (left hand side) and the current proposal (right hand side).
- 6.15 The building now proposed is larger in footprint than the previous refusal and has been moved closer to the front property boundary.
- 6.16 The harm arising from the garage has been outlined in this report and there is no known change in the policy background that would justify a different decision. The inclusion of a replacement dwelling as part of the proposal does not remove the harmful impact of a garage in this location

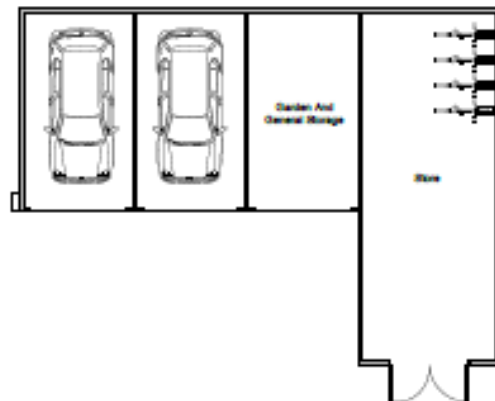
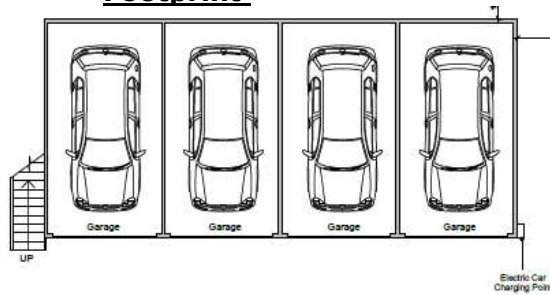
Residential amenity – neighbours

- 6.17 Policy DM1 states that proposals will be permitted where they “respect the amenities of occupiers of neighbouring properties...by ensuring that development is not exposed to, excessive noise, activity, 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”.

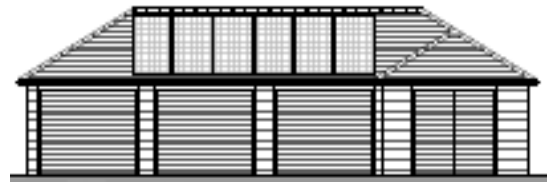
Previously refused (21/502845/FULL)

Current application

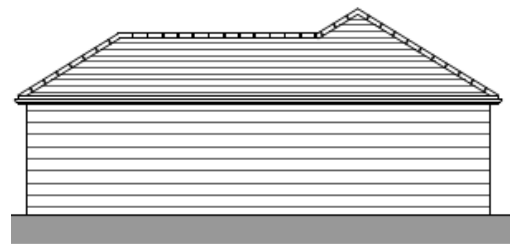
• **Footprint**



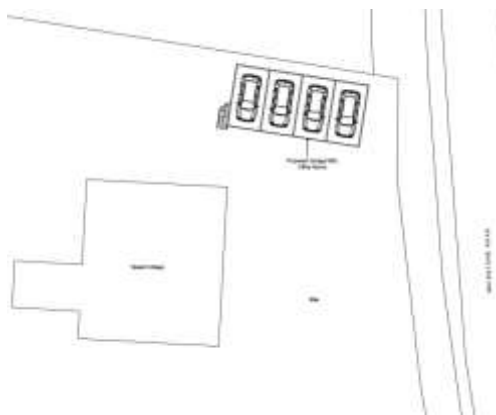
• **South elevation**



• **East (Maidstone Road) Elevation**



• **Siting**



6.18 The proposal involves the demolition of the existing dwelling and the construction of a replacement dwelling on the site. The replacement dwelling has a larger

footprint but is located in the same location in the centre of the site. There are no issues in relation to loss of outlook for neighbours for this reason.

- 6.19 Apart from a rooflight serving a toilet there are no windows in the replacement building above ground floor level to the side elevations. Notwithstanding the current situation there is adequate separation in respect of the windows to the front and rear elevations above ground floor level.

Residential amenity – future occupiers

- 6.20 Policy DM1 advises that proposals will be permitted where they "...provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise..., overlooking or visual intrusion...".
- 6.21 The standard of the proposed accommodation is acceptable with adequate natural light, sufficient internal space, privacy and external amenity space.

Transport, highways, parking and access

- 6.22 Adopted policies seek to ensure that new development does not harm highway safety and that there is adequate site access, servicing arrangements, off street car parking, cycle parking and electric vehicle charging.
- 6.23 In terms of access and highway safety, the existing site access is acceptable and there is no new access proposed. Although individual rooms are bigger in size the proposal retains the current number of 5 bedrooms.
- 6.24 There is no requirement for garages for new dwellings. With the tendency for garages to be used for other purposes, garages are not normally counted as part of off street parking provision. The submitted details include an electric vehicle charging point and cycle parking. No objections were received from KCC Highways.

Other matters

- 6.25 In the submitted objection, the Parish Council refer to the Council's adopted residential extensions Supplementary Planning Document.
- 6.26 This SPD is not relevant to the current proposal as the current application includes a replacement dwelling and is not an extension to a retained dwelling.

PUBLIC SECTOR EQUALITY DUTY

- 6.27 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.

7.0 CONCLUSION

- 7.01 The garage by reason of its large footprint, height and bulk, and its position forward of and at right angles to the front building line of Weald Cottage, would be visually obtrusive and fail to respect the character and appearance of the area. The garage would be an incongruous feature at odds with the general pattern of local development. The proposal would be contrary to Policies SP17, DM1, DM30 and DM32 of the Maidstone Borough Local Plan 2017, Policy PW2 of the Staplehurst Neighbourhood Plan and the National Planning Policy Framework.

8.0 RECOMMENDATION –

REFUSE PLANNING PERMISSION for the following reasons:

The garage by reason of its large footprint, height and bulk, and its position forward of and at right angles to the front building line of Weald Cottage, would be visually obtrusive and fail to respect the character and appearance of the area. The garage would be an incongruous feature at odds with the general pattern of local development. The proposal would be contrary to policies SP17, DM1, DM30 and DM32 of the Maidstone Borough Local Plan 2017, policy PW2 of the Staplehurst Neighbourhood Plan and the National Planning Policy Framework.