

REPORT SUMMARY

REFERENCE NO: - 22/502176/FULL		
APPLICATION PROPOSAL: Erection of three detached dwellings. Creation of a new access. (Resubmission of 21/504810/FULL)		
ADDRESS: School House Ashford Road Harrietsham Maidstone Kent ME17 1AJ		
RECOMMENDATION: REFUSE PLANNING PERMISSION		
SUMMARY OF REASONS FOR RECOMMENDATION: Although the principle of the development of the site is supported, the current proposal would have an unacceptable visual impact and would cause harm (at the lower end of the scale) to the setting of a non-designated heritage asset. The proposal would result in harm to the long term health of a tree protected by a Tree Preservation Order and have an unacceptably overbearing and dominant impact on a neighbouring dwelling. The proposal would therefore fail to accord with Local Plan policies SP18, DM1, DM4 or guidance within the NPPF.		
REASON FOR REFERRAL TO COMMITTEE: Harrietsham Parish Council have advised that should the Planning Officer be minded to refuse this application, Councillors would request that it is reported to the Planning Committee.		
WARD: Harrietsham And Lenham	PARISH/TOWN COUNCIL: Harrietsham	APPLICANT: Mr Michael Montila & Mr Antony Lee AGENT: Mr Alex Bateman
CASE OFFICER: Joanna Russell	VALIDATION DATE: 24/05/22	DECISION DUE DATE: 18/11/22
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

21/504810/FULL - Erection of four detached dwellings with associated access and parking. This was refused for the following reasons:

(1) The proposed dwellings, due to their design, materials, site coverage and siting would have a harmful impact on the character and appearance of this site, the streetscene and the local area with the development failing to respect the existing pattern of development and resulting in a poorly integrated and over-developed scheme contrary to DM1, DM9, and DM12 of the Maidstone Local Plan and guidance in the NPPF (2021).

(2) The proposed dwellings due to their design, materials, massing and siting will have a harmful impact on the setting of the adjacent former Harrietsham Primary school buildings that are a non-designated heritage asset contrary to policies SP18 and DM4 of the Maidstone Local Plan and guidance in the NPPF (2021).

(3) The proposed dwellings due to their design, quantity and siting will have a harmful impact on the amenities of neighbouring properties both in terms of overlooking and loss of privacy and through noise disturbance resulting from the general use of the proposed access road contrary to DM1 of the Maidstone Local Plan and guidance in the NPPF (2021).

(4) The submitted application has failed to demonstrate that the development will provide an adequate standard of living accommodation for future occupiers, especially in respect

of the layout of the development and location of the site between an arterial road (A20) that carries a significant quantity of traffic and the railway line to the rear of the site contrary to DM1 of the Maidstone Local Plan and guidance in the NPPF (2021).

(5) The submitted application has failed to demonstrate that the development will not result in direct harm (construction activity etc) and/or indirect harm (new hardsurfacing and pressure from future occupiers for tree works) to the long term health of the tree protected by a Tree Preservation Order that is located adjacent to the south-east boundary of the site, contrary to DM1 of the Maidstone Local Plan and guidance in the NPPF (2021)

Adjoining site to the west of the application site combined with the current application site

12/2140 Application for a new planning permission to replace extant planning permission MA/08/1767 (Residential development of Harrietsham old school site, including the refurbishment of the existing main school building into 2 No. two bedroom units with additional garage. Refurbishment of existing kitchen house into 1 No. two bedroom unit with integral garage. The erection of 3 No. three bedroom dwellings with garages and 3 No two bedroom dwellings with garages) to extend the time limit for implementation. Approved 21/02/2013

MA/08/1767 Residential development of Harrietsham old school site, including the refurbishment of the existing main school building into 2 No. two bedroom units with additional garage. Refurbishment of existing kitchen house into 1 No. two bedroom unit with integral garage. The erection of 3 No. three bedroom dwellings with garages and 3 No two bedroom dwellings with garages

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.1 The site is located in the designated settlement of Harrietsham (Rural Service Centre). To the south and on the opposite side of the A20 trunk road is a two storey housing development which was a housing allocation site. Immediately to the north of the site lies the railway line. Recent housing lies to the west of the site.
- 1.2 The site was originally part of Harrietsham Primary School grounds, which has been vacant for approximately 15 years. The site has been divided into two parts which were sold separately.
- 1.3 The school and outbuildings which formed part of the second section of the site are located to the east of the current site. The school is in good condition and is a well preserved example of a Victorian village school. It is considered to be a non-designated heritage asset.
- 1.3 The school house and a single storey classroom building are currently on this land. The school house comprises a traditional rectangular building constructed in brick and tile. It is two storeys in height with a pitched roof and gable end flank walls. The classroom is brick with a flat roof. A bungalow (Bellvue) is located towards the front of the site and a two storey property (2 The Friars) located to the rear.
- 1.4 The site contains 3 protected trees and one protected group of trees.

2. PROPOSAL

- 2.1 The proposal is for 3 detached dwellings with integral garages located in a linear manner along the site. The houses have render and brick elevations with quoin detailing. The houses sit approx 2-5m from the side boundaries of the site and each

house is between 15 and 19m wide and 10-11m deep. They are shown as approx 9.2m high.

- 2.2 None of the dwellings contain windows in their flank elevations.
- 2.3 The building which sits closest to Ashford Road is shown as set approx 10m from the front of the site, but set in front of the front line of the two neighbouring buildings.
- 2.4 A driveway from Ashford Road runs along the eastern boundary of the plot to access the three dwellings. Each house provides one garage and approx 2 off road parking spaces.
- 2.5 The proposal shows the removal of one of the protected trees and the protected group.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031)

SS1 Spatial strategy
SP5 Rural Service Centre
SP6 Harrietsham Rural Service Centre
SP18 Historic environment
DM1 Principles of good design
DM3 Natural Environment
DM4 Development affecting designated and non-designated heritage assets
DM12 Density of housing development
DM23 Parking standards

Supplementary Planning Documents:

Maidstone Landscape Character Assessment
Buildings for Life

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG):

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 currently limited, as it is the subject of an examination in public that commenced on the 6 September 2022 (hearings are currently adjourned until early 2023). The relevant policies in the draft plan are as follows:

LPRSS1: Maidstone borough spatial strategy
LPRSPR6: Rural service centres
LPRSP12: Sustainable transport
LPRSP14: The environment
LPRSP14A: Natural environment
LPRSP14(B): Historic environment
LPRSP14(C): Climate change
LPRSP15: Design
LPRTRA2: Assessing the transport impacts of development
PRTRA4: Parking
LPRQ&D 1 Sustainable design
LPRQ&D 2: External lighting
LPRQ&D 4 Design principles in the countryside

4. LOCAL REPRESENTATIONS

- 4.1 Harrietsham Parish Council have advised that should the Planning Officer be minded to refuse this application. Councilors would request that it is reported to the Planning Committee.
- 4.2 2 letters of support for the proposal have been received.
- 4.3 1 letter of objection has been received which raises concern about access to the site.

5. CONSULTATIONS

Kent Ecology

- 5.1 Have advised that their comments remain the same as the previous application and that the submitted proposals do not demonstrate how previous biodiversity losses from site clearance are to be compensated for and how biodiversity net gain is to be delivered.

Maidstone Environmental Protection

- 5.2 Have recommended approval subject to the imposition of conditions

Network Rail

- 5.3 Have raised no objection

Kent Highways

- 5.4 Have raised no objection subject to the imposition of conditions.

Maidstone Conservation Officer

- 5.5 The proposed scheme looks to place 3 No large, detached, two-storey (4-bedroom) houses with attached garages. To allow for these properties to be formed on the site, the building line has been brought to the front of the plot, almost in line with the next-door but one neighbour to the west.
- 5.6 The first dwelling is almost completely built-in front of the building line of the school. Any view of the former school when approaching from the west will be blocked until level with the school. At present, the large roof of the school can clearly be seen when approaching from this angle.
- 5.7 The proposed ridge height of the new dwellings is substantially taller than the school building and therefore due to the proposed position of the first dwelling, its height and the large mass, it is considered that this will overpower and dominant the setting of the School.
- 5.8 The proposed design responds to more traditional materials in the use of brick; however, the proposed design looks to have brick with stone quoins, differing size windows and columns, and appears to be a mix of architectural styles, including Georgian/ Classical, as well as trying to respond to the Tudor style offered by the school. This Tudor style was specifically chosen for the school buildings, partly to provide a contrast between the existing dwellings and the use as a school.
- 5.9 Summary - The proposed scheme is considered to cause harm (at the lower end of the scale) to the setting of the school, due to the placing of the property in front of

the building line of the school, the additional height, bulk, and proposed design.

- 5.10 A smaller, subservient structure could be placed forward of the schools building line, but consideration would need to be undertaken of the dwellings behind overpowering the smaller structure. The creation of three large, detached dwellings is considered to overcrowd the plot, and over bear the smaller structure of the school.
- 5.11 The creation of the buffer zone would offer limited benefit, especially as it has been recognised that many 'buffer zones' are reduced to allow natural light or connectivity with the street scene to be undertaken. Therefore, the proposed large house(s), in the proposed design, with garage and parking would bring an urban appearance to this more rural section of Ashford Road. '
- 5.12 Whilst the revised scheme offers traditional materials, the architectural style is a mix, and is considered to compete architecturally with the Tudor inspired School.'

6. APPRAISAL

The key issues are:

- Principle
- Visual Impact
- Impact on the non-designated heritage asset.
- Trees and landscaping
- Residential amenity
- Access/Highways/transport
- Biodiversity

Principle

- 6.1 Guidance in the National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.2 Local Plan Policy SS1 relates to the provision of the Borough's housing supply. It demonstrates that local housing targets can be met from within the existing settlements and on sites with the least constraints on the edge of settlements. It describes the most sustainable locations for the provision for new housing within the urban area of Maidstone, with Rural Service Centres as the secondary focus.
- 6.3 Policy SP1 supports the development and redevelopment or infilling of appropriate urban sites in a way that contributes positively to the locality's distinctive character;
- 6.4 The application site is located within the Rural Service Centre of Harrietsham and, for this reason, it is considered to be sited within a sustainable location.
- 6.5 The principle of the development of the site is therefore supported.

Visual Impact

- 6.6 Local Plan Policy DM1 seeks to achieve high quality design in all development proposals, and to achieve this, the Council expects proposals to positively respond to, and where possible enhance, the local, natural and historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation, and site coverage – incorporating a high quality modern design approach and making use of vernacular materials where appropriate.

- 6.7 Policy DM12 sets out that on sites within or adjacent to Rural Service Centres new residential density will be expected to achieve a net density of 30 dwellings per hectare, sets out that new housing should achieve good design, and that the density of the development proposal should not compromise the distinctive character of the area in which it is situated.
- 6.8 The NPPF states that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'
- 6.9 The 3 dwellings are shown sited in an undesirable linear layout with an access road running alongside the boundary with the neighbouring school building. The large buildings occupy a significant amount of the available space. Along with the access road, the site would be heavily built up with little spatial relief, which is exacerbated by the proposed building height.
- 6.10 Revised illustrative plans were produced which showed the height of the buildings reduced to the same as the adjacent school, however these were not confirmed by the applicant as being for formal submission. While the reduced height would be welcomed, it would not ameliorate the overall excessive scale or bulk of built form.
- 6.11 As per the higher submitted plans, the proposed dwelling height would be excessive, particularly in combination with the dwelling width and proximity to the front of the site. The overall impact is of excessive scale and form that would overwhelm the neighbouring buildings and be of a poor spatial quality.
- 6.12 The proposed design responds to more traditional materials in the use of brick; however, the proposed design looks to have brick with stone quoins, differing size windows and columns, and appears to be a mix of architectural styles, including Georgian/ Classical, as well as trying to respond to the Tudor style offered by the school. This Tudor style was specifically chosen for the school buildings, partly to provide a contrast between the existing dwellings and the use as a school.
- 6.13 Whilst the revised scheme offers traditional materials which is an improvement over that previously refused, the architectural style is a mix, and is considered to adversely compete architecturally with the Tudor inspired School.
- 6.14 In summary, the proposal represents an over-development of the site, with dwellings sited in an undesirable linear layout. The proposal demonstrates a poor degree of spatial quality with dwellings of excessive scale. The proposal would have a poor relationship to the streetscene and adjacent buildings and contains a confused mix of architectural styles and therefore lacks cohesion.
- 6.15 The proposal would therefore fail to accord with Local Plan policy DM1, or guidance within the NPPF.

Heritage Impact

- 6.16 Policy SP18 of the Local Plan relates to the historic environment and requires that, inter-alia, the characteristics of heritage assets are protected and design is sensitive to heritage assets and their settings. Policy DM4 of the Local Plan also relates to development affecting designated heritage assets, and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.

6.17 The National Planning Policy Framework states:

'In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.'*

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

- 6.18 The site was originally part of the school grounds of Harrietsham Primary school, which has been vacant for approximately 15 years. It has been divided into two parts which were sold separately. The school and outbuildings which formed part of the second section of the site lay to the east of this site. The buildings comprise a Victorian school and three outbuildings of which two are located along the northern boundary and one is located along the western boundary of the application site. The Victorian school, although it has lain empty for some 15 years, is still in reasonable repair. As the building holds some historic value and would be of significant interest to the locality, there would be an expectation that the building would be retained.
- 6.19 The application site comprises the school house with one school classroom to the rear of the site. These buildings would be demolished as part of the development proposal.
- 6.20 As discussed above, the building line of the closest dwelling to the Ashford Road has been brought to the front of the plot, almost in line with the next-door but one neighbour to the west.
- 6.21 The first dwelling is almost completely built-in front of the building line of the school. Any view of the former school when approaching from the west will be blocked until level with the school. At present, the large roof of the school can clearly be seen when approaching from this angle.
- 6.22 The proposed ridge height of the new dwellings is substantially taller than the school building and therefore due to the proposed position of the first dwelling, its height and the large mass, it is considered that this will overpower and dominant the setting of the School.
- 6.23 The proposed design responds to more traditional materials in the use of brick; however, the proposed design looks to have brick with stone quoins, differing size windows and columns, and appears to be a mix of architectural styles, including Georgian/ Classical, as well as trying to respond to the Tudor style offered by the school. This Tudor style was specifically chosen for the school buildings, partly to provide a contrast between the existing dwellings and the use as a school.
- 6.24 The proposed scheme is considered to cause harm (at the lower end of the scale) to the setting of the school, due to the placing of the property in front of the building line of the school, the additional height, bulk, and proposed design.
- 6.25 A smaller, subservient structure could be placed forward of the schools building line, but consideration would need to be undertaken of the dwellings behind

overpowering the smaller structure. The creation of three large, detached dwellings would overcrowd the plot, and overbear the smaller structure of the school.

- 6.26 The creation of the buffer zone would offer limited benefit, especially as it has been recognised that many 'buffer zones' are reduced to allow natural light or connectivity with the street scene to be undertaken. Therefore, the proposed large houses, in the proposed design, with garage and parking would bring an urban appearance to this more rural section of Ashford Road.
- 6.27 As such, the design, materials, siting and location of the development proposal would have an adverse impact on the setting of the non-designated heritage asset contrary to Local plan policies SP18, DM4, and the NPPF.

Trees and landscaping

- 6.28 Policy DM1 sets out that proposed development should respond to the location of the site and sensitively incorporate natural features such as trees, hedges and ponds worthy of retention within the site. 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 and natural character of the area.
- 6.29 The following trees will be removed to enable the proposed development:
- T2 to enable the construction of a dwelling
 - G1 to enable the construction of a dwelling
- 6.30 T1 is shown as retained. Its Root Protection Area (RPA) would, however be encroached by the front most dwelling.
- 6.31 The submitted arboricultural survey identifies that the affected trees are all of good structural integrity and all have a significant number of contribution years. It provides a method statement to attempt to retain the tree.
- 6.32 Despite this, the proposed development would have an adverse impact on the health of the T1 (copper beech) due to the incursion in its RPA. This is particularly considered in light of the previous assessment of the undesirable siting of the dwelling too close to the front of the site. The close proximity of the dwelling to the tree would also have the potential to result in pressure for it to be lopped or felled in future years.
- 6.33 Although landscaping has been shown at the front of Ashford Road to replace the amenity lost through the felling of previous mature trees along the road frontage, its benefit is lost through its proximity to the frontmost dwelling, along with the pressure to be removed in future years.
- 6.34 As such the submitted application fails to demonstrate that the development will not result in direct harm (construction activity etc) and/or indirect harm (new hardsurfacing and pressure from future occupiers for tree works) to the long term health of the tree protected by a Tree Preservation Order that is located adjacent to the south-east boundary of the site, contrary to DM1 of the Maidstone Local Plan and guidance in the NPPF.

Residential amenity

- 6.35 Policy DM1 states that the amenities of occupiers of neighbouring properties and uses should be respected and adequate residential amenities should be provided

for future occupiers of development proposals. Applications should ensure 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 neighbouring properties.

- 6.36 In response to concerns raised by Maidstone Environmental Protection, further acoustic information has been submitted. This concludes that a suitable noise mitigation scheme has been recommended based on the measured road and railway noise levels including glazing, ventilation and acoustic barrier specifications etc, to ensure an adequate level of protection against noise. Environmental Protection have concluded that these measures should provide enough attenuation to meet the required internal and external acoustic noise criteria as detailed in BS8233:2014. They have therefore raised no objection to this element of the proposal subject to the imposition of conditions.
- 6.37 The nearest properties to the development proposal would be Bellevue and 2 The Friars, located to the west of the site. Bellevue (a bungalow) has two windows on the flank wall adjacent to the boundary with the site, and 2 The Friars has two bedroom windows on the flank wall at first floor level, also adjacent to the site.
- 6.38 The flank elevations of all dwellings are blank with no windows. As such, there would be no overlooking caused to neighbouring occupiers in this regard.
- 6.39 Any windows on the ground floor level could reasonably be prevented from overlooking issues by maintaining acceptable boundary treatments.
- 6.40 Plot 2 sits approx 3m from the side boundary with neighbouring Bellvue which is a bungalow. In addition, the two storey element of plot 1 sits approx 5m from the same boundary, and is set a little further forward of the bungalow. Both the dwellings are shown at approx 5.7m height to their eaves and 9.3m in total.
- 6.41 The dwellings extend across the side elevation and boundary of the bungalow at Bellvue by a total of approx 16.9m at two storey level.
- 6.42 Given the extent of boundary that built form would run across, and its height, along with its proximity to the boundary with Bellvue, and that the neighbouring property is a bungalow, the proposal would have an unacceptably overbearing impact on the dwelling and in this regard would be contrary to policy and cannot be supported.

Access/Highways/Transport

- 6.43 Local Plan policy DM1 sets out that new development should provide adequate vehicular and cycle parking to meet adopted council standards, and policy DM23 encourages good access routes through the site with electric charging points incorporated into the development proposals.
- 6.44 Parking standards require a maximum of two independently accessible parking spaces for a four bedroom dwelling in this location. The provision shown on the plans is acceptable and KCC Highways have not objected to the development proposal.
- 6.45 KCC Highways have also required that a Section 278 Agreement between applicant and KCC, to enable bus stop location to be moved be required by condition. This along with the requirement for electric charging parking provision could be satisfactory dealt with by condition.

Biodiversity

- 6.46 Local Plan policy DM3 encourages development that responds to the natural environment by ensuring that it protects and enhances it where appropriate.
- 6.47 The applicant has already stripped the land of all trees and landscaping, so the chance of any biodiversity remaining on the site is unlikely.
- 6.48 Kent Ecology have advised that the submitted proposals do not demonstrate how previous biodiversity losses from site clearance are to be compensated for and how biodiversity net gain is to be delivered. These matters could be dealt with by condition in the event of an approval being issued.

PUBLIC SECTOR EQUALITY DUTY

- 6.49 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.

CIL

- 6.50 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.

7.0 CONCLUSION

- 7.1 Although the principle of the development of the site is supported, the current proposal would have an unacceptable visual impact. The proposal represents an over-development of the site, with dwellings sited in an undesirable linear layout. The proposal demonstrates a poor degree of spatial quality with dwellings of excessive scale. The proposal would have a poor relationship to the streetscene and adjacent buildings, and contains a confused mix of architectural styles which therefore lacks cohesion.
- 7.2 The siting of plot 1 would block views from the wests of the non designated heritage asset school building. The height and scale of the development would overwhelm and dominate its setting. The design of the buildings would compete with the school building.
- 7.3 As such, the proposed scheme would cause harm (at the lower end of the scale) to the setting of the non designated heritage asset, due to the placing of the property in front of the building line of the school, the additional height, bulk, and proposed design.
- 7.4 The submission to demonstrate that the development will not result in direct harm (construction activity etc) and/or indirect harm (new hardsurfacing and pressure from future occupiers for tree works) to the long term health of the tree protected by a Tree Preservation Order that is located adjacent to the south-east boundary of the site.
- 7.5 The proposal would have an unacceptably overbearing and dominant impact on the neighbouring dwelling at Bellevue.

- 7.6 The proposal would therefore fail to accord with Local Plan policies SP18, DM1, DM4 or guidance within the NPPF.
- 7.7 Despite the acceptability of the principle of the development of the site, the current proposal, on balance and for the reasons detailed above, fails to accord with local plan policy and it is therefore recommended that permission is refused.

7. RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reasons:

- 1) The proposal would have a harmful impact on the character and appearance of the site, the streetscene and the local area due to overdevelopment, poor spatial quality, scale and layout contrary to policy DM1 of the Maidstone Local Plan and guidance in the NPPF.
- 2) Due to design, scale, massing and siting, the proposal will have a harmful impact on the setting of the adjacent former Harrietsham Primary school building which is a non-designated heritage asset, contrary to policies SP18 and DM4 of the Maidstone Local Plan and guidance in the NPPF.
- 3) The submission fails to demonstrate that the development will not result in direct and/or indirect harm to the long term health of a tree protected by a Tree Preservation Order contrary to policy DM1 of the Maidstone Local Plan and guidance in the NPPF.
- 4) The proposal would have an unacceptably overbearing and dominant impact on the neighbouring dwelling contrary to policy DM1 of the Maidstone Local Plan and the NPPF.