

REPORT SUMMARY

REFERENCE NO: 23/500425/FULL		
APPLICATION PROPOSAL: Erection of a garden sauna building in back garden. (Retrospective)		
ADDRESS: 2 Popes Wood Thurnham Maidstone Kent ME14 3PW		
RECOMMENDATION: GRANT – subject to the planning conditions set out in Section 8.0 of the report.		
SUMMARY OF REASONS FOR RECOMMENDATION: For the reasons set out below it is considered that the outbuilding (garden sauna) is acceptable and would not cause significant visual harm, harm to neighbouring amenity nor would it be unacceptable in terms of any other material planning considerations. The proposed development is considered to be in accordance with current policy and guidance.		
REASON FOR REFERRAL TO COMMITTEE: The recommendation is contrary to the views of Thurnham Parish Council who have requested the application be presented to the Planning Committee.		
WARD: Detling And Thurnham	PARISH/TOWN COUNCIL: Thurnham	APPLICANT: Mr Mihaylov AGENT: Miss Hristina Kehayova
CASE OFFICER: Ping Tye	VALIDATION DATE: 13/02/23	DECISION DUE DATE: 10/04/23
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

97/0544

Erection of 5 no. detached houses with garages and provision of internal access road as shown on dwg. nos. 9628/2 3 4 5 6 and 7 received on 18.04.97 and as amended by additional document 9628/1 rev A received on 30.05.97.
Approved 08.08.1997

93/1415

Demolition of HGV maintenance buildings infilling of part of site erection of five detached two storey dwellings and garages with shared access as amended by drawing no. 93/00/37 dwg no.1 RevA received 30.11.93.
Approved 04.01.1994

91/0824

Renewal of permission MA/88/0074N - Outline Application for residential development.
Approved 09.08.1991

88/0074

Outline application for residential development as validated and amended by letter received on 2/6/88.
Approved 05.09.1988

86/1079

O/A for extension to garage works of a 36m bay

Approved 22.09.1986

Enforcement History:

22/500803/OPDEV
Enforcement Enquiry
DC Application Submitted

MAIN REPORT

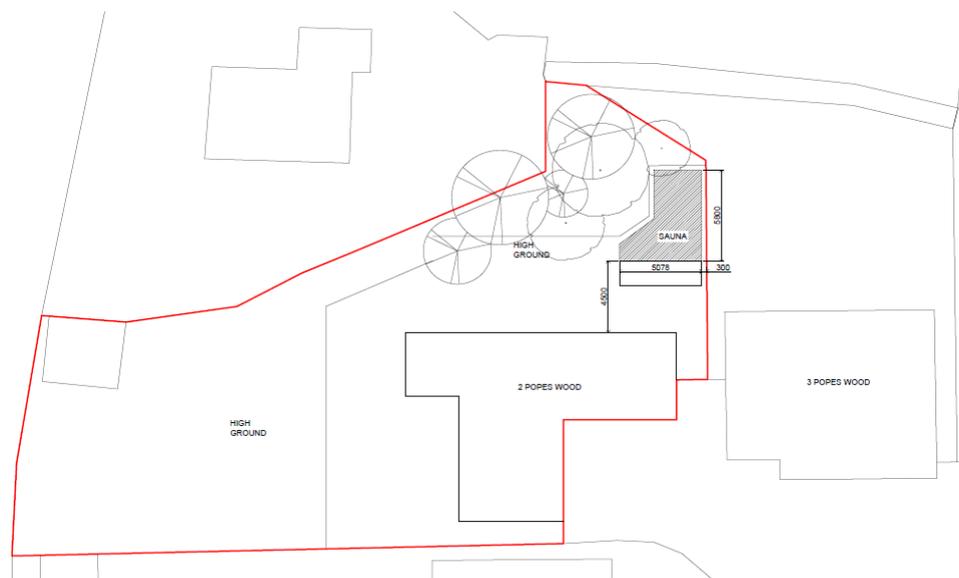
1. DESCRIPTION OF SITE

- 1.01 The application site relates to a detached, two-storey property located at the end of a small cul-de-sac of a development with 5 detached dwellings on Popes Wood, east of Hockers Lane. The site is located outside the settlement boundaries within the Parish of Thurnham, Maidstone. The land level in the garden slopes upwards in a north and north eastern direction. Brick retaining walls and steps have been incorporated in the site to negotiate the different garden levels with the paved patio surrounding the property.
- 1.02 The 5 detached dwellings within the cul-de-sac have a similar distinctive character, however they are not listed and no other land designations apply.

2. PROPOSAL

- 2.01 The submission is a retrospective application for the erection of an outbuilding (garden sauna) in the back garden. Although the application is retrospective and appears completed, for ease of reference it will be called 'the proposal' for the remainder of the report.
- 2.02 The outbuilding (garden sauna) is located at the northeast corner of the rear garden. It is sited in a partially splayed corner previously occupied by an old outbuilding which has been demolished. The garden sauna measures 5.8m in depth, 5.08m in width (at the front elevation) and 2.96m to the rear. The footprint of the outbuilding is splayed to follow the existing brick retaining wall on the western side elevation, which then reduces the width of the outbuilding to approx. 2.96m (see Figure 1 below).

Figure 1: Block Plan



- 2.03 The outbuilding is finished with a flat metal roof with an eaves height of approx. 2.8m. On the roof, there is a 0.9m high metal chimney painted in brown which serves the wood stove burner within the sauna. The bi-fold patio doors open onto

an approx. 0.3m high x 1.2m deep timber decking that runs along the entire width of the front elevation. The timber decking is partially sheltered by a canopy which measures approx. 1.0m deep and also runs along the entire width of front elevation.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031): DM1, DM30 AND DM32

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22): LPRSP15, LPRHOU11, LPRQ&D4 and LPRSP9

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

Supplementary Planning Documents: Maidstone Local Development Framework: Residential Extensions SPD

4. LOCAL REPRESENTATIONS

Local Residents: 5 neighbours consulted. 1 letter of objection received from local residents raising the following issues:

1. Design, visual appearance and materials

"The building is of substantial height and size (approximately 3m high) being inappropriately large positioned so close to the boundary fence. The roof line extends approximately 1.20m above the boundary fence. It is of utilitarian design and materials with the mono-pitched profile sheet metal roof giving it the appearance of an industrial style structure. The side elevation is not weatherboard but a smooth cement board.

There is a metal flue for a wood burning stove extending through the roof within just 0.75m of the boundary to my property. This is an 'eyesore' and in the sunshine, the strong reflected light dazzles our eyes (see 3. below regarding environmental health hazard)."

2. Overlooking and Loss of Privacy

"The building is within just 0.25m of the boundary fence to my property (3 Popes Wood) with a glazed frontage and is raised above ground level by a timber decked terrace under a canopy. The elevated position of the building results in a loss of privacy with it overlooking directly into my garden and living room over the 1.80m boundary fence. There are three bright recessed lights to the underside of the canopy which creates light pollution and shines directly into my property."

3. Environmental impact due to smoke, smells and disturbance resulting from its use

"The building is already being used as a sauna by the applicant and the wood-burner results in toxic smoke and fumes, along with ash and 'sparks' being emitted from the flue, which is just 8.80m from the back of my house and within 0.75 of the boundary fence. Due to its position, surrounded by tall trees and the fact that the rear garden slopes steeply creating an embankment, the ventilation and free flow of air around the flue is severely restricted resulting in the toxic smoke and fumes blowing directly into my back garden and the rear of my house through the windows into the kitchen, living rooms and bedrooms. The smoke is unsightly, smells and causes coughing and respiratory problems. It is completely inappropriate to have a flue in this location and the adverse effect on air quality and impact on my family's health is a significant concern."

4. Loss of use and enjoyment of my property

"The visual and environmental impact of this building is significant. I have a very small rear garden and my rights of enjoyment have been severely impacted by this development and most notably its use as a sauna with a wood-burner and flue."

Issues 3 and 4 regarding environmental impact from smoke are not material planning considerations and will not be addressed by the Council. However, Environmental Health has been consulted and their recommendations will be included as an Informative. It is also noted that the flue is located towards the rear of the roof of the building, placing it further away from both No.2 and No.3 Popes Wood.

5. CONSULTATIONS

Thurnham Parish Council

5.01 Object to this application for the following reason:

"This proposal is too large and obtrusive to the neighbouring property resulting in a loss of their privacy."

MidKent Environmental Health

5.02 Environmental Protection Team provided the following comments:

"Although the property falls just outside Maidstone's Air Quality Management Area and taking into account the potential for nuisance from the wood burner I would recommend the Informative below:

Wood burners and multiple ifuel stoves - Residential in AQMA

Wood burners fuel stoves. These appliances are discouraged in highly urbanised areas within the AQMA since the pollutants from them can be a nuisance to the neighbouring occupants and enforcement over the use of the correct fuels in the domestic sector is difficult. In addition to the installation complying with the Clean Air Act requirements, the cleanest installation and fuel option should be considered (i.e. pellet preferable to chips, preferable to wood).

Reason: to minimise the impacts of the new development on local air quality."

6. APPRAISAL

The key issues are:

- Site background/Principles of Development/Policy Context
- Visual Impact
- Residential Amenity
- Other Matters

Site background/Principle of Development/Policy Context

6.01 The application site is located in the countryside, as defined in the Local Plan, Policy DM32 of the local plan allows for residential extensions provided that:

i) The proposal is well designed and is sympathetically related to the existing dwelling without overwhelming or destroying the original form of the existing dwelling;

ii) The proposal would result in a development which individually or cumulatively is visually acceptable in the countryside;

iii) The proposal would not create a separate dwelling or one of a scale or type of accommodation that is capable of being used as a separate dwelling; and

iv) Proposals for the construction of new or replacement outbuildings (e.g. garages) should be subservient in scale, location and design to the host dwelling and cumulatively with the existing dwelling remain visually acceptable in the countryside.

6.02 Policy DM1 (ii) in terms of design refers to developments responding positively to the local character of the area, with regard being paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage. DM1 (iv) re-iterates consideration to be paid to adjoining neighbouring amenity.

6.03 Policy DM30 refers to design principles in the countryside, where development is proposed in the countryside the design principles set out in this policy must be met. DM30 (v) states:

Where an extension or alteration to an existing building is proposed, it would be of a scale which relates sympathetically to the existing building and the rural area; respect local building styles and materials; have no significant adverse impact on the form, appearance or setting of the building, and would respect the architectural and historic integrity of any adjoining building or group of buildings of which it forms part.

6.04 The Residential Extensions SPD in relation to this proposal sets out the following:

Garages and other outbuildings should not impact detrimentally on the space surrounding buildings or the character and openness of the countryside by virtue of their scale, form or location. Their scale should not be in excess of what might reasonably be expected for the function of the building.

Visual Impact

6.05 As mentioned, the outbuilding (garden sauna) will be sited at the northeast corner of the rear garden where an old outbuilding was located. It is not visible from the streetscene and therefore it is not considered to have a detrimental impact on the streetscene or character of the area.

6.06 Concerns have been raised by the Parish Council and neighbour at No.3 regarding the size of the proposal. However, relative to the scale of the host dwelling, the single storey proposal is considered to be smaller in scale and clearly ancillary to the property (see Figure 1 above).

6.07 The flat roof is not in keeping with the roof form of the main dwelling, however considering the single storey nature of the proposal and that it would not be visible from any public views as it is situated at the rear of the property. The flat roof is considered to actually reduce visual impact and the building is sited on the lower garden level and hunkers against the base of where the ground level starts to rise, which further draws the eye away from the structure, reducing its visual prominence.

6.08 The proposed materials consist of fibre cement weatherboard cladding (grey wood effect) and fire rated cement weatherboard for the walls, brown corrugated metal for the roof, brown metal chimney and dark grey metal for the doors. The proposed materials do not match the materials used in the existing property, however, considering the proposal is located at the rear of the property, is a detached outbuilding and not visible from any public views, it is considered that this would not harm the overall character of the host dwelling. Very often outbuildings are not constructed from materials to match the main dwelling, nor, in most cases, would they be expected to. It is considered on balance, therefore, that the outbuilding would not detrimentally impact the character and appearance of the host dwelling.

6.09 Additionally, the siting of the outbuilding is considered not to result in adverse impact on the character or openness of the countryside as it is located close to the original dwelling, tucked away in a corner of the rear garden on the lowest garden level.

Residential Amenity

- 6.10 The nearest neighbouring property is No.3 Popes Wood. All other neighbouring properties are considered to be a significant distance away to be unaffected by the proposal.
- 6.11 The outbuilding is in close proximity (approx. 0.3m) from the common boundary with neighbouring No.3 to the east. However, considering the modest height of the proposal at approx. 2.8m and the existing close boarded fencing, it is considered that no detrimental impact on neighbouring amenity in terms of loss of light or overshadow would result. Only a small section of the building would be visible over the fence line. Similar outbuildings to the proposal can be built within 2m of residential boundaries under permitted development rights up to a height of 2.5m. Therefore, the need for planning permission in relation to height is the additional 0.3m on this proposal. On balance, it is considered that this height is not unreasonable for a garden outbuilding.
- 6.12 Concerns have been raised by No.3 regarding three recessed lights to the underside of the canopy. Considering that these are standard downlights, it is not considered that there will be significant light pollution. A condition can be imposed in relation to lighting to ensure that any additional lighting on the outbuilding, would require consent.
- 6.13 In terms of loss of outlook, No.3 previously looked onto the old outbuilding and so the outlook will not be noticeably different.
- 6.14 Concerns have been raised by the Parish Council and neighbouring No. 3 that the proposal would result in loss of privacy. However, there is no adjacent facing fenestration, the windows look towards the rear of the application dwelling and the sauna is not a habitable space and is single storey. Therefore, it is considered that no additional overlooking and loss of privacy to neighbouring occupiers would result.
- 6.15 Taking the above into consideration, I do not consider that the proposal will cause unacceptable harm to the residential amenity of the neighbouring property.

Other Matters

- 6.16 The proposal is sited on land that already contained a previous outbuilding, therefore, the proposal results in no loss of habitat. However, a biodiversity condition has been imposed to enhance the ecology and biodiversity on the site in the future. In this instance, this will be required to be within the site curtilage, rather than any methods incorporated into the construction/fabric of the building.

PUBLIC SECTOR EQUALITY DUTY

- 6.17 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 For the reasons set out above it is considered that the proposal would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor would it be unacceptable in terms of any other material planning considerations. The proposal is considered to be in accordance with current policy and guidance.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions

with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

CONDITIONS:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan

Sauna Floor Plan and Roof Plan – Drawing no. 010 Rev A

Sauna Front Elevation – Drawing no. 011 Rev A

Sauna Side Elevation – Drawing no. 012 Rev A

Sauna Side Elevation (from 3 Pope Wood Garden) – Drawing no. 013 Rev A

(All above received 25.01.2023)

Block Plan – Drawing no. 001 Rev B. Received 26.01.2023

Reason: To clarify which plans have been approved.

- 2) Within 3 months of the date of this decision, details of a scheme for the enhancement of biodiversity on the site shall be submitted for approval in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through the provision within the site curtilage of bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details within 3 months of the date of the approval of the submitted details and all features shall be maintained thereafter.

Reason: To enhance the ecology and biodiversity on the site in the future.

- 3) Excluding any lighting indicated on the approved plans, no additional external lighting shall be installed on the outbuilding hereby permitted without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

INFORMATIVES

- 1) In addition to the installation complying with the Clean Air Act requirements, the cleanest installation and fuel option should be considered (i.e. pellet preferable to chips/wood).

Reason: To minimise the impacts of the new development on local air quality.

- 2) The grant of this permission does not convey any rights of encroachment over the boundary with the adjacent property in terms of foundations, eaves, guttering or external cladding, and any persons wishing to implement this permission should satisfy themselves fully in this respect. Regard should also be had to the

provisions of the Neighbour Encroachment and Party Wall Act 1995 which may apply to the project.

- 3) It is the responsibility of the developer to ensure, before the development hereby approved is commenced, that approval under the Building Regulations (where required) and any other necessary approvals have been obtained, and that the details shown on the plans hereby approved agree in every aspect with those approved under such legislation.
- 4) Details pursuant to Condition 2 should show, on a scaled drawing, the type and number of the proposed ecological enhancements as well as their intended positions, including, where appropriate, the height above ground level to demonstrate that this would be appropriate for the species for which it is intended. Any bird boxes should face north or east and bat boxes and bee bricks should face south. Where planting is proposed, please also supply details of the number of plants of each species as well as the intended size on planting (eg: pot size in litres). Some helpful advice may be found at:

<https://www.rhs.org.uk/science/conservation-biodiversity/wildlife/plants-for-pollinators>

<https://www.rspb.org.uk/birds-and-wildlife/advice/how-you-can-help-birds/>

<https://www.bats.org.uk/our-work/buildings-planning-and-development/bat-boxes>

<https://www.wildlifetrusts.org/actions/how-build-hedgehog-home>

<https://www.woodlandtrust.org.uk/blog/2019/09/how-to-build-a-bug-hotel/>

Case Officer: Ping Tye

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.