

REPORT SUMMARY

REFERENCE NO: - 23/503281/FULL		
APPLICATION PROPOSAL: Erection of single storey timber framed storage structure and relocation of existing shed.		
ADDRESS: Hillside Hayle Place Cripple Street Maidstone Kent ME15 6DW		
RECOMMENDATION: GRANT – subject to planning conditions set out in Section 8.0 of the report		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposal is considered to comply with Development Plan policy and the aims of the National Planning Policy Framework and there are no overriding material considerations to indicate a contrary decision.		
REASON FOR REFERRAL TO COMMITTEE: The Parish Council have objected and asked for the application to be considered by Planning Committee.		
WARD: South	PARISH/TOWN COUNCIL: Tovil	APPLICANT: Mr J Slaughter AGENT: EP Architects Ltd
CASE OFFICER: Louise Welsford	VALIDATION DATE: 19/07/23	DECISION DUE DATE: 29/09/23 (EOT date)
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

17/501515/FULL

Construction of a detached single storey building to house swimming pool, sauna and changing facilities
Approved 19.05.2017

12/1074

Erection of a new first floor and replacement conservatory as shown on Drawings 1510.P.21, 1510.P.22 and 1510.B010 and supporting Design and Access statement received 11 June 2012
Approved 14.08.2012

11/0417

Erection of detached garage with store and entrance gates and alterations to existing vehicular access as shown on drawing no.s 1510/P02, 1510/P03 and a site location plan shown on drawing no. 1510/P01 Rev A received on 16/03/11 and Tree Survey, Arboricultural Impact Assessment and Tree protection Plan received on 12/04/11.
Approved 10.05.2011

66/0580/MK1

Erection of bungalow with double garage
Approved 01.09.1966

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 This application relates to a detached dwelling, which is located in the open countryside in the parish of Tovil. The dwelling is relatively modern (built in the late 1960s and extensively extended in 2012). There is an existing detached

garage adjacent to the access and a pool house (which is partly obscured due to its design and construction built into the topography).

- 1.02 The site lies in within the Loose Valley landscape of local value and Loose Conservation Area. Land levels drop across the site and the site contains a significant number of mature trees. To the West part of the site (where the proposal primarily relates) is an area of hardstanding (tarmac) and detached shed upon it, with the hardstanding being understood to be the site of a former tennis court. This is indicated on historic OS maps dated between 1939 and 1945 and also shown on the approved plans when the host dwelling was approved in the 1960s.
- 1.03 Some of the trees on site are protected by Tree Preservation Order 23 of 1975. This is a mixed species order and includes elm, larch, horse chestnut, Spanish chestnut, beach, poplar, pine, oak, lime, cedar and birch. Other trees on site which are of sufficient size would be protected under the conservation area designation.
- 1.04 There is a local wildlife site and Ancient Woodland on Teasaucer Hill. Hayle Place is a Listed Building, the site is likely to have once been part of the grounds of the building (converted to flats in the 1960s), but now separated from for some time.

2. PROPOSAL

- 2.01 Planning Permission is sought for the erection of a detached single storey timber framed storage building and the relocation of an existing shed. Both are understood to be required for purposes ancillary to the use of the main dwelling.
- 2.02 The building would have a footprint of approximately 20.5 m in length by a depth of between 8 – 10 m. Its ridge heights would be approximately 5.1 m to the front gable and 4.6 m to the longer ridge.
- 2.03 The application confirms that no further hardstanding is proposed. The purpose of the building has been informally stated to be for the storage of cars and related equipment for ancillary use to the dwelling.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031): DM1, DM3, DM4, DM30, DM32, SP17, SP18

Emerging Local Plan :The Regulation 22 Local Plan Review submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. However, this weight is limited as although Stage 1 and 2 Hearings have recently concluded, the Plan is still in Examination. Policies LPRSP15, LPRENV1, LPRQ&D4, LPRHOU11

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Supplementary Planning Documents: Residential Extensions

4. LOCAL REPRESENTATIONS : None received.

5. CONSULTATIONS

Tovil Parish Council

- 5.01 Objects to the application and requires it to be reported to Planning Committee in the event of a contrary recommendation. States that there is an assumption against development in the Valley Conservation Area, scale is inappropriate,

creation of an access would be detrimental and questions if access for vehicles across a garden is appropriate.

Maidstone Borough Council Landscape Officer

- 5.02 No objections. The addition of the building on what is an existing tarmac hardstanding is generally acceptable. Compliance with the tree protection measures should be secured as a condition.

Natural England

- 5.03 No objections. There would be no significant impact on statutorily protected nature conservation sites or landscapes. Provides standing advice.

Kent Wildlife Trust

- 5.04 No response.

Forestry Commission

- 5.05 Provides standing advice in support of retaining trees and improving biodiversity.

6. APPRAISAL

The key issues are:

- Impact upon the character and appearance of the Loose Conservation Area, the Loose Valley Landscape of Local Value and the open countryside
- Impact upon trees

Visual Impact upon the Loose Conservation Area, the Loose Valley Landscape of Local Value and the open countryside

- 6.01 The proposed building would have a significant footprint, being approximately 20.5 m in length by between 8 – 10 m in depth. However, despite this, it is considered that in this case it would have a subordinate appearance to the main house, in line with the residential extensions guidelines. The building would be single-storey only, which is in line with the guidelines, and its ridge heights of approximately 5.1 m and 4.6 m would not be excessive. Its design would be simple and functional, appropriate to a domestic outbuilding. Also, it would be positioned in a subordinate location in relation to the main house, further down the hillside, at a lower level. It is a distance from the dwelling itself, but the siting is justified given the siting of existing hardstanding, land levels and tree coverage, with the siting chosen being where visual impact and impact on trees would be minimised. (There are other important mature trees across the lawns, further from the proposed site).
- 6.02 The Parish Council have raised concern over its scale and impact upon the Loose Valley Conservation Area. However, the building would occupy a secluded location, surrounded by tree coverage, which is generally shown to be retained (see discussion regarding trees below). The specific site is not an area of any high quality character or appearance – indeed, it appears to be the former site of a tennis court which is already hard surfaced. Therefore, it is not a location which makes any positive contribution towards the special character of the conservation area or which is visually important. In any case, the simple, functional design of the outbuilding is not wholly out of keeping with an agricultural building which one might expect to find in a rural location. The finish of walls and roofs are shown to be either black or dark in colour, which would minimise their visual impact, with fenestration and rainwater goods equally being finished in black to further this end.
- 6.03 The building is not out of character with the buildings on site, because Hillside is not a building of historic character, but has a modern 20th/21st century

appearance. The proposal is not related closely enough to any listed or other historic buildings (including Hayle Place) to have any adverse effect upon them or their settings.

- 6.04 Policy does not preclude the addition of new buildings within conservation areas or landscapes of local value, but requires that such development should be appropriate and not result in harm. It is considered that, given the relatively low height of the building, the dark finish of its external materials and its secluded siting, that it would not result in any material harm to the character or appearance of the Loose Valley Conservation Area, nor to the Loose Valley Landscape of Local Value of a scale to justify a refusal. Again, given its low height and its secluded siting, it would not materially harm the openness of the countryside to justify a refusal.

Impact upon trees

- 6.05 The site contains visually important trees. Some trees are protected by Tree Preservation Order number 23 of 1975, including a rare mature cork oak, Douglas fir and 2 common limes, all graded as grade A. The site also falls within the conservation area which provides protection to other trees of the appropriate size which are not covered by the tree preservation order.
- 6.06 However, in terms of the impact upon trees, the site which has been chosen for the proposed building, and for the relocation of the shed, is an existing area of tarmac hardstanding, understood to have formerly been site tennis courts.
- 6.07 The landscape officer has visited the site and raises no objection to the application. It is considered the submitted arboricultural impact assessment, method statement and tree protection plan and is satisfied that there would be no significant harm to any important trees providing that the development is carried out in accordance with the said documents. The documents do identify some minor Crown lifting works and removal of dead wood, but these works appear to be reasonable and justified and the landscape officer does not object to these.
- 6.08 There are no tree grounds to justify refusal and the development would not appear to result in any significant harm to any trees which are of high amenity value, including those protected under the Tree Preservation Order. A condition to ensure compliance with the submitted arboricultural documents is considered appropriate and necessary.

Ecology

- 6.09 The area for the proposed development is an area of the existing hardstanding with limited works proposed to existing trees. Therefore, there are not considered to be any significant ecological issues or loss of important habitat. However, in line with development plan policy and the aims of the NPPF, this is an opportunity to secure further biodiversity enhancements by way of condition and this is considered appropriate given the scale of development.

Other Matters

- 6.10 There are no significant residential amenity issues, as the development would be well separated from neighbouring dwellings. The proposal does not adversely affect the parking provision.
- 6.11 The Parish Council have questioned the creation of an access and the issue of vehicles crossing the garden. The application confirms that no further hardstanding (which might be visually detrimental or detrimental to trees) is proposed and if an owner should choose to drive their own vehicles across their

own garden on unsurfaced land, that is an issue which is beyond the remit of planning, as they could in any case do this within the confines of their own property outside of planning. It is considered necessary and reasonable to remove permitted development rights for further hardsurfacing, this would be within the curtilage as it would be difficult to distinguish, thus enforce between hardsurfacing that would be in connection with the proposed development or otherwise.

- 6.12 The proposal lies in an area of archaeological potential, however, given the fact that the site is already hard surfaced, there are not considered to be any significant archaeological issues.
- 6.13 The NPPF, Local Plan and residential extensions SPD all seek to promote the use of renewables and energy/water efficient buildings. The proposal by its nature would be ancillary to an existing dwelling such that it would be unreasonable to seek to secure such measures which do not accord with the scale of the development. Energy efficiency can be secured through measures such construction, or renewables or water efficient for use of measures such as water butts, as such to secure such measure a condition is considered reasonable to ensure that the development incorporates appropriate measures.

PUBLIC SECTOR EQUALITY DUTY

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 The proposed development would preserve the special character of the Loose Valley Conservation Area, together with the setting of any other designated heritage assets and the Loose Valley Landscape of Local Value. Important trees which contribute positively towards the visual amenity of both areas would be retained and the landscape officer raises no objection to the proposal on tree grounds.
- 7.02 The development is considered to comply with Development Plan policy and the aims of the NPPF. There are no material considerations which indicate a contrary decision.

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 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 development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers 2008.E.01 Rev B and 2008.P.01 Rev B received on 18/08/23;

Reason: To clarify which plans have been approved and to ensure the quality of the development.

- 3) The development shall be carried out strictly in accordance with the Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan by Rooted Arboricultural Consultancy Ltd dated 24/05/2023 and received on 19/07/23. No further tree works, other than those specified within the said document, shall be carried out without the prior written agreement of the local planning authority;

Reason: In order to protect trees which contribute positively towards the visual amenity of the Loose Valley conservation area and landscape of local value and the open countryside.

- 4) The materials to be used in the development hereby approved, including their finished colours, shall be as indicated on the approved plans unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development

- 5) The building hereby permitted shall only be used for purposes incidental to the domestic use of the related dwelling house and/or the parking of private motor vehicles and for no other purposes or use;

Reason: To prevent the introduction of commercial vehicles or uses which would cause demonstrable harm to the enjoyment of their properties by adjoining residential occupiers in the interests of visual amenity.

- 6) Notwithstanding the provisions of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no additional hardsurfacing shall be laid within the curtilage of the dwellinghouse.

Reason: In order to protect trees which contribute positively towards the visual amenity of the Loose Valley conservation area and landscape of local value and the open countryside.

- 7) No external lighting shall be installed in connection with the development hereby permitted unless full details of any such lighting have first been submitted to, and approved in writing by, the local planning authority. The development shall thereafter be carried out in accordance with the approved details;

Reason: In order to prevent undue light pollution, to preserve the character and appearance of the Loose Valley conservation area and landscape of local value, and in the interests of biodiversity.

- 8) The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through either integrated methods into the design and appearance of the extension by means such as swift bricks, bee bricks, bat tube or bricks, or through provision within the site curtilage such as bird boxes, bat boxes, bee hotels, bug hotels, log piles,

hedgerow corridors and native planting. The development shall be implemented prior to occupation in accordance with the approved details and all features shall be maintained thereafter.

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

- 9) The development shall not commence above slab level until details of how the proposal hereby approved shall be constructed to secure the optimum energy and water efficiency of the outbuilding have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter; The details shall demonstrate that consideration has been given to incorporating small scale renewable energy generation options have been considered first and shall only be discounted for reasons of amenity, sensitivity of the environment or economies of scale, installing new energy efficient products, such as insulation, energy efficient boilers, low energy lighting shall be considered as a secondary option if the use of renewables has been demonstrated to not be appropriate.

Reason: To ensure an energy efficient form of development.

Case Officer: Louise Welsford

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