

APPLICATION: MA/09/1415 Date: 6 August 2009 Received: 6 August 2009

APPLICANT: Mr J O'Connell

LOCATION: THE STABLES FROST ORCHARD, YELSTED ROAD, YELSTED,  
SITTINGBOURNE, KENT, ME9 7XG

PROPOSAL: Erection of a detached single storey swimming pool building (Re-  
submission of MA/09/0420) as shown on drawing numbers 2419/1,  
2419/04/Rev A & 2419/5/Rev A received on 06/08/09.

AGENDA DATE: 24th September 2009

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

### **POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV28, ENV31, ENV33, ENV34, H33.

The South East Plan RSS 2009: CC1, C3, C4.

Village Design Statement: Not applicable.

Government Policy: PPS1 - Delivering Sustainable Development;

PPS7 -

Sustainable Development in Rural Areas.

### **HISTORY**

09/0420 Erection of a detached single storey swimming pool building -  
WITHDRAWN

08/1984 Removal of existing mobile home and outbuilding and erection of  
single storey extensions including increasing the roof pitch to existing bungalow and  
erection of a detached garage - APPROVED

05/1582 Removal of existing pig sty and out buildings plus erection of a  
stables and a new sand school for private use (Resubmission of application  
MA/05/1179) - APPROVED

05/1180 Removal of existing mobile home and outbuildings and erection of  
single storey extensions to existing bungalow together with a detached double garage  
- APPROVED

05/1179 Removal of existing outbuildings and partial demolition of existing barn plus erection of stables and a new sand school for private use – REFUSED

97/0184 Erection of a conservatory to rear elevation – APPROVED

87/1985 Erection of bungalow – APPROVED

### **CONSULTATIONS**

STOCKBURY PARISH COUNCIL: Wish to see the application refused and request the application is reported to the Planning Committee for the following reason – “the proposed building is far too big for an already extensive development in this Area of Outstanding Natural Beauty. The parish council is uneasy that the extravagant area of development around the pool could lead, at some time, to inclusion of domestic facilities, thus creating a separate dwelling.”

### **CONSIDERATIONS**

#### Site and Surroundings

The application site is located in remote open countryside in the Kent Downs Area of Outstanding Natural Beauty and Special Landscape Area, and also falls within the Strategic Gap as defined in the Maidstone Borough Wide Local Plan 2000. It is a large plot containing a bungalow, mobile home and open air swimming pool, whilst on the adjoining land (also owned by the applicants) are a stable block and sand school (approved under reference MA/05/1582), a Nissen hut (now used as a barn), and a polytunnel. The site is set back a considerable distance from Yelstead Road (approximately 150m), from which it is well-screened by established vegetation, not only all along the roadside, but also along its own eastern boundary, which is marked by an approximately 2m high close boarded fence backed by a dense mixed hedge approaching 6m in height. Along the northern boundary is a line of leylandii trees, estimated to be approximately 10m high. There is a fall in ground level across the site from south to north, such that the land adjacent to the leylandii is considerably lower than that adjacent to the dwelling (as extended, see below under Relevant Planning History). The submitted drawings show the difference to be approximately 2m. The site is visible, at a distance, in long-range views from Queens Down Warren (the escarpment to the north).

#### Relevant Planning History

It is material to note that there is an extant planning permission for various extensions to the existing bungalow, including the raising of the ridge height and addition of dormers, plus erection of a detached double garage (MA/08/1984). Although the alterations to the dwelling had not been carried out at the time of my site visit, excavation work for the garage had commenced. The drawings submitted with the

current application show the approved extensions to the dwelling and the garage in order to illustrate the proposal in context.

### The Proposal

Planning permission is sought for the erection of a detached, single storey building providing an indoor swimming pool and associated changing facilities. This would have a footprint of approximately 7.5 x 15.9m and would be partially dug into the slope of the land to lessen its impact, such that the eaves height, at its greatest point, (northern end of the building), would be approximately 2.9m above ground level, and the ridge height 4.5m above ground level. The corresponding measurements at their lowest points, (southern end of the building), would be approximately 1.7m above ground level for the eaves height and 3.7m above ground level for the ridge height. The roof would be fully-hipped with glazed gablets and a 22.5 degree pitch. A small walkway/terrace would be constructed along the southern and part of the western elevation of the building to account for the change in ground level and still enable users to step out of the folding glazed doors. The drawings show that the existing open air swimming pool and surrounding hard standing would be removed as part of this proposal, to be replaced with lawn.

This application is a resubmission of MA/09/0420, which also sought permission for a swimming pool building and which was withdrawn by the applicants. The differences between the two proposals are that the building has now been reduced in size to the minimum required to accommodate a 10 x 5m pool and facilities, it has been lowered further into the ground to lessen any impact on the surrounding area; and the extent of terracing/hard surfacing surrounding the building has been significantly reduced.

### Planning Assessment

In my view, the main issue for consideration by Members is the impact of the proposal on the scenic quality and natural beauty of the landscape in the Kent Downs Area of Outstanding Natural Beauty. In this respect, the building would be of modest size, lightweight design and clearly subordinate to the dwelling it would serve. Its proposed location would ensure that it would not be visible from the public vantage points of Yelstead Road, or Queens Down Warren since it would be well hidden behind existing landscaping. Indeed, the latter was a particular point of concern of Stockbury Parish Council in relation to the previous (now withdrawn) application MA/09/0405, thus this submission includes drawings that demonstrate that even though the extended bungalow would be visible in long-range views from the escarpment, the pool building would not, since it would be screened by the existing belt of leylandii. The aforementioned vegetation, both along the roadside and the site boundaries, is not protected and although the applicants do not intend to remove it, if it were, at some point in the future, to die or be removed for whatever reason, I consider the proposal to be low enough in height and far enough away from both Yelstead Road and Queens Down Warren to still not appear prominent in long-range views. Indeed, it would be grouped with the existing approved buildings on the site, of which it would be the lowest in terms of height and second-smallest in terms of footprint, so would be seen

in that context and would not extend built development into the open countryside to the detriment of its rural character. In summary, therefore, I do not consider that this proposal would harm the natural beauty or scenic quality of the landscape in the Kent Downs Area of Outstanding Natural Beauty and Special Landscape Area.

Turning to other matters, Stockbury Parish Council has raised concern that "the extravagant area of development around the pool could lead, at some time, to inclusion of domestic facilities, thus creating a separate dwelling". However, as mentioned above, I consider the building to be of modest dimensions given its function, which is clearly ancillary to the host dwelling. Furthermore, the creation of a separate dwelling would require planning permission in its own right, and any such application would be assessed on its own merits at the time of its submission.

The proposal would not affect the light, privacy or outlook of any neighbouring occupiers due to the degree of separation, which would be in excess of 70m.

The proposal would not be contrary to the aim of maintaining the Strategic Gap, since it would not significantly extend built development into the open rural countryside.

#### Conclusion

I consider that this would be a modest, well-sited development, given its context, notwithstanding the highly sensitive nature of the site. I do not consider that it would harm the natural beauty or scenic quality of the landscape in the Kent Downs Area of Outstanding Natural Beauty and Special Landscape Area. I therefore recommend that Members grant planning permission subject to the conditions below.

#### **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 development shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance with Policies C3 & C4 of The South East Plan RSS 2009 and Policies ENV28, ENV33, ENV34 & H33 of the Maidstone Borough Wide Local Plan 2000.

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 South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.