

APPLICATION: MA/09/0619 Date: 9 April 2009 Received: 7 September 2009

APPLICANT: Mr D. Latham

LOCATION: 1, GORDON COURT, LOOSE, MAIDSTONE, KENT, ME15 0QF

PROPOSAL: Erection of a detached garage with flat to be used as an annexe above (Resubmission of MA/09/0271) as shown on drawing nos. 793/3 received on 14th April 2009 and 01/01 and 01/02 received on 2nd July 2009.

AGENDA DATE: 15th October 2009

CASE OFFICER: Richard Timms

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by Loose Parish Council.

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV28, H33
The South East Plan 2009: C4
Village Design Statement: N/A
Government Policy: PPS1, PPS7

HISTORY

MA/09/0271 Erection of a detached double garage with flat to be used as an annexe above (Resubmission of MA/08/1158) – WITHDRAWN

MA/08/1158 Erection of a detached double garage with flat to be used as an annexe above – REFUSED

MA/05/0206 Erection of a two storey and first floor side extension – APPROVED WITH CONDITIONS

CONSULTATIONS

Loose Parish Council wish to see the application REFUSED.

"The Loose Parish Council does not have a problem with what the applicant is trying to achieve, but unfortunately still oppose the application as it is felt that the design has not substantially changed since the last application (MA/09/0271). We fully understand

their reasons for the development, and would suggest a re-design to be on one level which will reduce the mass, and overcome the previous reasons for refusal. It is felt to still be contrary to policies ENV28, ENV34 & H33 of the MBWLP 2000."

REPRESENTATIONS

Neighbours: One representation received raising the following points:

- "The property will overlook my garden and will be built forward of the existing building of 1 Gordon Court."

CONSIDERATIONS

This is an application for the erection of a two storey detached garage with annexe above at 1 Gordon Court, Well Street, Loose. The application site is within the countryside for Development Plan purposes and within the Southern Anti-coalescence Belt.

Site Description

The application site relates to the side garden of a detached two storey dwelling, which forms part of Gordon Court, a small group of twelve dwellings towards the top of a gentle slope rising from Well Street to the northwest. It is around 130m southeast of Well Street at the start of Gordon Court on the northeast side. Access to the dwellings is gained via a private drive off the main highway, Well Street to the northwest. Public footpath KM65 runs along this drive but at the junction with Gordon Court it heads past to the south along an unmade track.

It is specifically the west corner of the front/side garden of the dwelling that forms the application site, which fronts onto the private road within Gordon Court. It is roughly triangular in shape and is fenced off from the remaining rear garden. It is currently used as a parking area with existing double timber entrance gates in the southeast corner, a small timber shed in the west corner and part of the western half overgrown with brambles. The front boundary of the site with the private road is formed by a conifer hedge around 2m in height and the northwest boundary by hedging and trees to a height of around 10m. Immediately northwest is an area of land with vegetation including some trees around 10m in height. Due to the presence of mature trees surrounding much of the site, it is largely screened from any clear views apart from within Gordon Court itself. It is not located within close vicinity of the neighbouring dwellings, with the nearest properties approximately 30-35m north and south of the site.

Proposed Development

Planning permission is sought under this application for the erection of a two storey detached garage with annexe accommodation in the roof space. The annexe accommodation is for the applicant's son who has Downs Syndrome. It is submitted that the proposal would help develop his independent living skills, something recommended by his care manager and a letter has been provided to this effect.

It would measure 6.6m x 8m, 5.47m to ridge and 2.8m to eaves. The building would be sited around 7.5m to the west of the main dwelling and sited on a parallel building line from northwest to southeast. It would be within 0.8m of the road at its closest point utilising an existing entrance to the garden at this point. The ground floor mainly comprises space for a vehicle and storage but there would be a wet room divided from this element in the west corner and staircase. The annexe at first floor level would comprise of a bed-sit with sleeping/living and kitchen area.

The building would have gable ends with first floor windows and 2 rooflights on each roofslope. There would be an entrance door on the south side providing access to the wet room and staircase. Red bricks would be used to match the main house and red concrete roof tiles.

It is also proposed to replace the existing conifer hedge along the site boundary with a 1.8m close boarded fence with hedge in front.

Planning History

There have been two recent applications at the site for similar development. The first application (MA/08/1158) was refused in October 2008 for the following reasons:

- 1. The proposed building, would not be a modest building by virtue of its mass and bulk and would appear visually dominant causing unacceptable harm to the character and appearance of countryside and the Special Landscape Area, contrary to policies ENV28, ENV34 and H33 of the Maidstone Borough-Wide Local Plan 2000 and policies QL1, EN1, EN5 and HP5 of the Kent and Medway Structure Plan 2006.*
- 1. The design and position of the proposed building would resemble that of a separate residential unit which would appear visually dominant and out of character with a small collection of rural dwellings, causing unacceptable harm to the character and appearance of countryside and the Special Landscape Area, contrary to policies ENV28, ENV34 and H33 of the Maidstone Borough-Wide Local Plan 2000 and policies QL1, EN1, EN5 and HP5 of the Kent and Medway Structure Plan 2006.*

(The more recent application, MA/09/0271 was withdrawn as the submitted plans were incorrect)

Assessment

The Council have previously accepted the principle of annexe accommodation here and there are no significant amenity issues raised as a result of the proposal due to the sufficient distance between the site and the nearest neighbouring property (between 30-35m). As such, I consider the key issue for this proposal is the impact the development will have on the character, appearance and openness of the countryside and its comparison with the previously refused scheme relating to the building's height, mass and positioning.

Loose Parish Council has objected to the application as it is felt that the design has not substantially changed since the last two applications (MA/08/1158 & MA/09/0271). It must be noted however that a decision was not made on the acceptability of application MA/09/0271 as it was withdrawn due to incorrect plans.

The previously refused scheme in 2008 proposed a larger building in terms of its height and mass. It had a ridge height of 7.3m and eaves of 4.6m compared with 5.4m and 2.8m now proposed. The result was a building of greater mass, particular due to the eaves height, and a building that appeared more like a two storey dwelling. The reasons for refusal relate to its mass and bulk being too great and its prominent siting so that it would be out of character and visually dominant resembling a separate dwelling.

The current proposal has reduced the ridge height by 1.83m and the eaves by 1.8m so the building resembles more of a 1.5 storey building with rooms in the roofspace. (A comparison of the schemes as been appended to this report) Whilst the footprint has increased by 9.2m², the reductions in height result in a building more subservient to the main two storey dwelling. I note it will be 1.3m closer to the road, however it is no longer parallel with the road and will taper away from it, thus reducing its impact and I also note there is no clear building line on this side of Gordon Court to draw from. In addition, the site is very well screened from public view and is only visible from within Gordon Court to the southeast where it would be seen against the backdrop of taller trees. Overall, with the reductions in height and mass, I consider the building is now acceptable and would not appear visually dominant or as a separate dwelling, and on this basis would not cause any significant harm to the surrounding area.

I note that it is proposed to remove the existing conifer hedge along the site boundary and replace it with a 1.8m close boarded fence. Whilst this would represent a harsher frontage to the site, it is also proposed to plant a double staggered native hedgerow in front, which in time would soften its impact and eventually provide more appropriate landscaping than the existing conifer hedge.

Conclusion

In conclusion, it is considered that the mass and bulk of the building has been sufficiently reduced from the previously refused scheme so that it would not harm the character and appearance of the surrounding area. I therefore recommend the application for approval subject to the following conditions.

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 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 ENV28 and H33 of the Maidstone Borough-Wide Local Plan 2000.

3. The additional accommodation to the principal dwelling hereby permitted shall not be sub-divided, separated or altered in any way so as to create a separate self-contained unit;

Reason: Its use as a separate unit would be contrary to the provisions of the development plan for the area within which the site is located.

4. The landscaping details hereby approved on drawing no. 01/02 RevA received on 7th September 2009 shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the

development in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.