

PLANNING COMMITTEE MEETING

Date: Thursday 22 June 2023
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Cox, English, Harwood, Holmes, Jeffery, Kimmance, McKenna, Munford (Vice-Chairman), Perry, Riordan, Russell, Spooner (Chairman) and D Wilkinson

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 29 June 2023
6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 25 May 2023 1 - 6
11. Presentation of Petitions (if any)
12. 23/501841/FULL 3 Chilston Road, Lenham, Maidstone, Kent 7 - 19
13. 23/501390/FULL Hillside Cottage, Sutton Valence Hill, Sutton Valence, Kent 20 - 30

Issued on Wednesday 14 June 2023

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

14.	23/500362/FULL Unit 1, Genco Business Park, Ashford Road, Hollingbourne, Kent	31 - 38
15.	23/501009/FULL Chord Electronics Ltd, The Old Pump House, Farleigh Bridge, East Farleigh, Maidstone, Kent	39 - 54
16.	23/501008/LBC Chord Electronics Ltd, The Old Pump House, Farleigh Bridge, East Farleigh, Maidstone, Kent	55 - 62
17.	22/504433/FULL 8 Nethermount, Bearsted, Maidstone, Kent	63 - 76
18.	Appeal Decisions	77 - 79

PLEASE NOTE

The order in which items are taken at the meeting may be subject to change.

The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.

For full details of all papers relevant to the reports on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection; please follow this link: <https://pa.midkent.gov.uk/online-applications/>

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

In order to speak at the meeting, please call 01622 602899 or email committee@maidstone.gov.uk by 4 p.m. on Wednesday 21 June 2023. You will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated for each application on a first come, first served basis.

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MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 25 MAY 2023

Present:

Committee Members:	Councillor Spooner (Chairman) and Councillors Cox, English, Garten, Harwood, Jeffery, Kimmance, Munford, Perry, Riordan, Russell, Trzebinski and D Wilkinson
Visiting Members:	Councillor Webb

6. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillor Holmes.

7. **NOTIFICATION OF SUBSTITUTE MEMBERS**

It was noted that Councillor Garten was substituting for Councillor Holmes.

8. **NOTIFICATION OF VISITING MEMBERS**

Councillor Webb indicated his wish to speak on the report of the Head of Development Management relating to application 22/505947/FULL (Burford Farm, Redwall Lane, Linton, Maidstone, Kent).

9. **ITEMS WITHDRAWN FROM THE AGENDA**

There were none.

10. **URGENT ITEMS**

There were no urgent items.

11. **DISCLOSURES BY MEMBERS AND OFFICERS**

Councillor English stated that he was a Member of Tovil Parish Council. However, he had not participated in the Parish Council's discussions on application 23/500374/FULL (13 Saltwood Road, Tovil, Kent) and intended to speak and vote when it was considered.

Councillor Munford stated that he was the Chairman of Boughton Monchelsea Parish Council. However, he had not participated in the Parish Council's discussions on the following matters and intended to speak and vote when they were considered:

Application 23/500949/FULL – Oast Cottage, Boughton Lane, Boughton Monchelsea, Maidstone, Kent

Application 23/500671/FULL – 24 Meadow View Road, Boughton Monchelsea, Maidstone, Kent
 5004/2023/TPO – 71 Church Street, Boughton Monchelsea, Maidstone, Kent

12. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

13.	23/500949/FULL - Oast Cottage, Boughton Lane, Boughton Monchelsea, Maidstone, Kent	Councillor Munford
14.	23/500425/FULL - 2 Popes Wood, Thurnham, Maidstone, Kent	Councillor Harwood
15.	23/501362/LAWPRO - 84 Loose Road, Maidstone, Kent	Councillor Cox
16.	23/500374/FULL - 13 Saltwood Road, Tovil, Kent	No lobbying
17.	22/503943/FULL - Land Off Bull Lane, Stockbury, Kent	Councillors Cox, Garten, Harwood, Jeffery, Munford, Perry, Riordan, Russell, Spooner, Trzebinski and D Wilkinson
18.	23/500671/FULL - 24 Meadow View Road, Boughton Monchelsea, Maidstone, Kent	Councillor Munford
19.	22/505947/FULL - Burford Farm, Redwall Lane, Linton, Maidstone, Kent	Councillor Munford
20.	23/500453/TPOA - Ashurst Road Open Space, Ashurst Road, Maidstone, Kent	No lobbying
21.	23/500557/TPOA - The Nature Reserve, Spot Lane, Downswood, Kent	Councillor Munford
22.	5004/2023/TPO - 71 Church Street, Boughton Monchelsea, Maidstone, Kent	Councillor Munford

13. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

14. MINUTES OF THE MEETING HELD ON 20 APRIL 2023

RESOLVED: That the Minutes of the meeting held on 20 April 2023 be approved as a correct record and signed.

15. MINUTES OF THE MEETING HELD ON 23 MAY 2023

RESOLVED: That the Minutes of the meeting held on 23 May 2023 be approved as a correct record and signed.

16. PRESENTATION OF PETITIONS

There were no petitions.

17. 22/505947/FULL - DEMOLITION OF THE GRANARY BUILDING AND ERECTION OF A FOUR-BEDROOM RESIDENTIAL DWELLING INCLUDING LANDSCAPING, PARKING AND ACCESS - BURFORD FARM, REDWALL LANE, LINTON, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

The Head of Development Management advised the Committee that the Planning Inspectorate had recently dismissed an appeal against refusal of application 21/504236/FULL for redevelopment of buildings on the site (including Grain Store, Implement Store, Granary and Threshing Barn) and erection of 6 no. dwellings including associated works and parking. The main reason for refusal, and the Inspector agreed, was that the proposal was clearly contrary to Policy SP17 of the Maidstone Borough Local Plan 2017, and there was a need to be consistent in decision-making.

Councillor Heaton of Hunton Parish Council, Mr Powell, for the applicant, and Councillor Webb (Visiting Member) addressed the meeting.

RESOLVED: That permission be refused for the reasons set out in the report with the informative set out in the report.

Voting: 9 – For 4 – Against 0 – Abstentions

18. 22/503943/FULL - FORMATION OF A NEW MAINTENANCE ACCESS (RE-SUBMISSION OF 21/506304/FULL) - LAND OFF BULL LANE, STOCKBURY, KENT

The Committee considered the report of the Head of Development Management.

With the Chairman's discretion, Mr Masters addressed the meeting in the Parish Council speaker slot in support of the application.

Mr Morris, the applicant, addressed the meeting.

RESOLVED: That permission be refused for the reasons set out in the report.

Voting: 10 – For 1 – Against 1 - Abstention

Note: Considering that his interactions with the applicant might give rise to an appearance of bias/predetermination, Councillor Garten spoke on the application but did not vote.

19. 23/500671/FULL - ERECTION OF A SINGLE-STOREY REAR AND A TWO-STOREY SIDE EXTENSION INCLUDING A NEW VEHICLE CROSSOVER - 24 MEADOW VIEW ROAD, BOUGHTON MONCHELSEA, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report with delegated powers to the Head of

Development Management 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.

Voting: 12 – For 0 – Against 1 – Abstention

20. 23/500949/FULL - DEMOLITION OF DETACHED TREBLE BAY GARAGE AND GREENHOUSE AND ERECTION OF DETACHED HOUSE WITH ASSOCIATED PARKING AND GATE (RE-SUBMISSION OF 20/504039/FULL) - OAST COTTAGE, BOUGHTON LANE, BOUGHTON MONCHELSEA, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

RESOLVED: That permission be granted subject to the conditions and informative set out in the report with delegated powers given to the Head of Development Management 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.

Voting: 12 – For 0 – Against 1 – Abstention

21. 23/501362/LAWPRO - LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED HIP TO GABLE LOFT CONVERSION WITH REAR BOX DORMER - 84 LOOSE ROAD, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

RESOLVED: That the Lawful Development Certificate be granted for the reason and informatives set out in the report with delegated powers given to the Head of Development Management to be able to settle or amend the reason in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 13 – For 0 – Against 0 – Abstentions

22. 23/500453/TPOA - TPO APPLICATION TO COPPICE ONE HAWTHORN TREE - ASHURST ROAD OPEN SPACE, ASHURST ROAD, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

During the discussion, it was suggested that a review be undertaken of Vinters Park as a lot of protected trees and hedgerows have been removed and not replaced over the years to the detriment of the landscape.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report.

Voting: 13 – For 0 – Against 0 – Abstentions

23. 23/500374/FULL - ERECTION OF ONE-BEDROOM DWELLINGHOUSE - 13 SALTWOOD ROAD, TOVIL, KENT

The Committee considered the report of the Head of Development Management.

Mr Gorolov, an objector, and Councillor Hemsted of Tovil Parish Council addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions and informative set out in the report with:

The amendment of condition 5 (Landscape Scheme) to require a standard double staggered native hedgerow (such as Hazel) along the road frontage and condition 6 (Landscape Implementation) to extend the timescale for replacement landscaping from five years to ten years; and

The explanation for the strengthening of the landscaping conditions being the importance of the corner plot and the need to soften the impact of the proposed development within the street scene.

2. That consideration be given to protecting the hedgerow once in place.
3. That delegated powers be given to the Head of Development Management 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.

Voting: 9 – For 3 – Against 1 - Abstention

24. 23/500557/TPOA - TPO APPLICATION TO REMOVE LOWER LIMB FROM ONE ASH TREE (T1) ABOVE FOOTPATH AND CLEAN OUT CROWN. TO RE-COPPICE HAZEL TREE (T2), RE-COPPICE AS THE TREE HANGS OVER FOOTPATH AND HAS FAILING SECTIONS - THE NATURE RESERVE, SPOT LANE, DOWNSWOOD, KENT

The Committee considered the report of the Head of Development Management.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report.

Voting: 13 – For 0 – Against 0 – Abstentions

25. 5004/2023/TPO - 71 CHURCH STREET, BOUGHTON MONCHELSEA, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management concerning Tree Preservation Order No. 5004/2023/TPO which was made to protect a large-sized Oak tree located in the southeast corner of the rear garden of 71 Church Street, Boughton Monchelsea. It was noted that one objection had been received to the making of the Order. However, it was considered that the tree was of significant value, providing extensive visual amenity to the local landscape as well as biodiversity and ecological benefits. The permanent protection afforded to the tree through the Tree Preservation Order would ensure that only appropriate and necessary works are carried out.

RESOLVED: That Tree Preservation Order No. 5004/2023/TPO be confirmed without modification.

Voting: 13 – For 0 – Against 0 – Abstentions

26. MR PHIL GOWER - LANDSCAPE OFFICER (ARBORICULTURE)

The Head of Development Management informed the Committee that Mr Phil Gower, Landscape Officer (Arboriculture), would be leaving the employment of the Council the next day and took the opportunity to thank him for his services and approach to the role.

27. 23/500425/FULL - ERECTION OF A GARDEN SAUNA BUILDING IN BACK GARDEN (RETROSPECTIVE) - 2 POPES WOOD, THURNHAM, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report with the amendment of the first informative (Air Quality) to be the same as that recommended by the Environmental Protection Team.
2. That delegated powers be given to the Head of Development Management to be able to settle or amend any necessary planning conditions/informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 12 – For 0 – Against 1 – Abstention

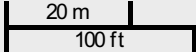
28. APPEAL DECISIONS

The Committee considered the report of the Head of Development Management setting out details of appeal decisions received since the last meeting. The Head of Development Management advised the Committee that some of the appeal decisions reflected the lack of a five-year land supply for Gypsy and Traveller sites and the need for a more sophisticated suite of policies on design quality.

RESOLVED: That the report be noted.

29. DURATION OF MEETING

6.00 p.m. to 8.35 p.m.



Ordnance Survey - data derived from OS Premium

23/501841/FULL 3 Chilston Road, Lenham, Kent, ME17 2PR

Scale: 1:1250

Printed on: 9/6/2023 at 11:32 AM by JoannaW



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REPORT SUMMARY

REFERENCE NO: 23/501841/FULL		
APPLICATION PROPOSAL: Removal of existing garage and conservatory. Erection of a two-storey side extension, part two storey/part single storey rear extension including rooflight and front porch extension. Extension of existing driveway.		
ADDRESS: 3 Chilston Road Lenham Maidstone Kent ME17 2PR		
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 proposed extensions would be acceptable and would not cause significant visual harm, harm to neighbouring amenity or highway safety nor be unacceptable in terms of any other material planning considerations such that the proposed development is considered to be in accordance with current Development Plan Policy and planning guidance.		
REASON FOR REFERRAL TO COMMITTEE: The recommendation is contrary to the views of Lenham Parish Council who have requested the application be presented to the Planning Committee.		
WARD: Harrietsham And Lenham	PARISH/TOWN COUNCIL: Lenham	APPLICANT: Mr and Mrs Meader AGENT: Kent Design Studio Ltd
CASE OFFICER: Ping Tye	VALIDATION DATE: 20/04/23	DECISION DUE DATE: 15/06/23
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

58/0087/MK2 : Outline application for residential development Approved 28.07.1958

58/0094/MK2 : Outline application – Residential Development Approved 28.07.1958

61/0386/MK2 : Details - 21 Dwellings Approved 10.11.1961

23/501097/PAPL : Pre-Application Advice - Demolition of existing garage. Proposed two storey side and rear extension, with addition of front porch and internal/external works. Closed 30.03.2023

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 3 Chilston Road is a semi-detached two-storey dwellinghouse located in a cul-de-sac on Chilston Road within the settlement boundary of Lenham. The surrounding properties within Chilston Road are predominantly detached and semi-detached bungalows, and two-storey semi-detached dwellings. The application site level would slope gently downwards in a southeastern direction towards the rear garden.

2. PROPOSAL

2.01 The proposal is for the removal of existing garage and conservatory. Erection of a two-storey side extension, part two-storey/part single-storey rear extension including rooflight and front porch extension. Extension of existing driveway.

2.02 *Two-storey side extension*

The proposed two-storey side extension would project from the flank wall of the host dwelling by approximately 2.5m, setback from the front face by approx. 0.4m, and extend the entire depth of the host dwelling rearwards by approximately 7.0m. It would have a gable end roof with an approximate eaves height of 5.4m and ridge height of 7.5m. The ridge height of the new roof would be marginally set down by approx. 0.1m from the ridge of the existing dwelling.

The proposed two storey side extension would be sited approximately 0.6m from the shared side boundary with the non-attached neighbouring property at No. 5 on the south. However, there would be a gap of approximately 3.4m to remain between the first floor flank walls of the properties as No.5 has a single storey side garage sited next to the boundary. No.3's existing garage is currently sited immediately adjacent to the boundary and No.5's garage with no gap. This garage is proposed to be demolished to accommodate the proposed side extension.

2.03 *Part two-storey/part single storey rear extension*

In addition to the side extension there would be a part two-storey/part single-storey rear extension. The single storey element would be set back by approximately 0.4m away from the common boundary with the adjoining property (No.1) to the north, runs along the entire rear elevation of the host dwelling and also to the rear of the proposed side extension. It would protrude from the host dwelling by approximately 3.4m in depth and would span approx. 8.6m in width. It would be flat roofed with an insertion of a roof light. The eaves height of the flat roof would be approximately 3.4m. Patios doors would open onto steps which lead onto a raised patio with an approx. height of 0.27m.

The first-floor of the two-storey element would be set back by approximately 3.2m away from the common boundary with No.1, runs along the rear elevation of the host dwelling and also to the rear of the proposed side extension. The first-storey element would protrude from the original dwelling by approximately 3.4m in depth and would span 5.8m in width. It would have a hip roof with an approximate eaves height of 5.7m and ridge height of 7.5m. The ridge height of the new roof would be set down by approx. 0.3m from the ridge of the existing dwelling.

2.04 *Front Porch*

The proposed front porch would measure approx. 2.5m wide and 1.2m deep. It would be flat roofed with an eaves height of approx. 2.7m.

2.05 *Hard standing*

The proposal would also include an extension of the driveway at a right angle to the front of the property and would enable parking for one vehicle, bringing the total parking spaces at the property to 2. The additional hard standing would measure approximately 2.5m x 5.2m.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

- DM1 – Principles of good design
- DM9 – Residential extensions, conversions and redevelopment within the built-up area

- DM23 – Parking standards

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22):

- LPRSP15 – Principles of good design
- LPRHOU2 – Residential extensions, conversions, annexes, and redevelopment in the built-up area
- LPRTRA4 - Parking Matters

Neighbourhood Plan: Lenham

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

Lenham Neighbourhood Plan (2021).

4. LOCAL REPRESENTATIONS

Local Residents: 7 representations received from local residents raising the following (summarised) issues

- a) Nature and scale of proposal inappropriate and too large for the location which is a quiet, small and compact residential development comprising of bungalows and small houses.
- b) Not in keeping with character and appearance of surrounding area and unsympathetic to neighbouring properties.
- c) Increased physical and visual impact due scale of a two-storey proposal impact upon outlook of neighbouring properties.
- d) Neighbouring properties will be overlooked due to topography of Chilston Road being on a higher land level than Faversham Road towards the rear.
- e) Reduced distance of separation would further impact upon privacy of neighbouring properties.
- f) Set a precedent for similar extensions which would be detrimental to property prices in the area and create a negative visual appearance to Lenham historic market village status.
- g) Extension of drive at a right angles will not be a pleasing sight and together with front porch extension would result in loss of half the front garden.
- h) Loss of light and overshadowing for adjacent neighbouring properties at No.1 and 5, and houses in Faversham Road to the rear.
- i) Construction will take considerable time which would result in increase in traffic, equipment, disruption and noise in a road that is not suitable for this.
- j) Overdevelopment due to “concreting over” of $\frac{3}{4}$ quarters of rear garden and part of front garden.
- k) In breach of covenant which states “no commercial activity is allowed on any of the properties” as large amount of hard standing for this large development is not in keeping with normal requirements of a normal residence.

- l) Collected stormwater from the massive extension would result in flash flooding and significant silt built up blocking existing drains which leads to potential environmental health risks and expenses.
- m) Potential damage to garage, substructure and groundworks of adjacent property at No.5. Asbestos disturbance in garage roof.
- n) Reduced separation gap of less than 1m between extension and No.5's garage is too small and will not permit safe building, insufficient practical space to traffic a wheelie bin, and result in negative effect structurally over time.

Issues relating to property values, covenants etc. are not material planning considerations. Covenants are a private/civil matter and as this is proposal is residential, there would not appear to be a conflict with any covenant relating to commercial matters. Any change of use to commercial would require planning permission and this application is purely for a householder extension. By their very nature, construction periods are normally only for a short duration and are not something that can be controlled via condition. Issues relating to construction and also noise and disturbance from construction would be dealt with by Building Control or Environmental Healthy. Informatives are attached to draw the applicant's attention to construction and recommended development practices.

5. CONSULTATIONS

Lenham Parish Council

5.01 *"Lenham Parish Council (LPC) objects to this planning application, there are a number of reasons which are detailed below.*

- 1) *The proposal will close up a beneficial gap in the front facades of the properties in Chilston Road, which provides relief to the overall mass of the streetscape. It is noted that other than the four properties 1, 3, 5 & 7, all others in the road are bungalows. As such the street presence by these two pairs of semi-detached properties is all the more important, especially when it is noted that they are on the very edge of the village, addressing the rural fringe. The LPC do not feel that this proposal is beneficial to the street scene which should be protected from over development and an extension of such mass in this location. The impact of this added mass on the adjacent properties should not be underestimated. Such a proposal leaves little or no opportunity for the neighbouring property and any subsequent application would result in a terrace style approach which LPC regard as entirely unacceptable and not in keeping with the aesthetic of the neighbourhood.*
- 2) *The proposal seeks to remove the garage and bring the development line forward from the existing garage to just behind the existing façade. While the step back is considered and has (limited) benefit of bringing the ridge line down when seen against the existing, the impact on the mass of the property in the street scene and on the immediate neighbours cannot be overlooked. LPC believe that this is an example of an overdevelopment of the plot in a manner which is insensitive to the neighbourhood. LPC believe that the existing building line must be observed to avoid detrimental impact on the neighbouring properties and the street scene.*
- 3) *The submitted drawings show an additional parking space on what is currently grassed area such that the property will have two available spaces (for a four-bedroom house?). LPC believe this parking provision is insufficient and will lead to on street parking. There are already issues with hard surface runoff affecting the neighbouring property. Adding to this surfacing will exacerbate matters. This approach is also contrary to the ecological aspirations within the*

Lenham Neighbourhood Plan and the MBC ecology policies where removing green space for parking provision is less than ideal.

- 4) *The proposed site plan appears to include ecological mitigation proposals of a log pile and a hedgehog house. While LPC actively encourage ecological improvements, in this instance, we regard the inclusion of these as woefully inadequate and a blatant attempt to greenwash a submission, with insignificant token ecological benefits. There is no credible argument or example where such simple applied tokens have been maintained and proven to aid ecology/diversification. Serious ecological measures include permanent installations which cannot be simply removed in a garden tidy up as these can.*
- 5) *In addition to point 3 above, the width of Chilston Road is such that any on road parking severely limits access for emergency vehicles as well as dustbin lorry access. LPC are aware that there are a number of elderly residents in this area, and they regularly use ambulances for appointments (and in emergencies). The property increase to four-bedrooms will result in additional parking on the road as only two spaces can be accommodated to the front of the property (off the carriageway). This has already presented an issue for neighbours since the applicant moved into the property. A continuation of any such parking will cause significant inconvenience to the residents and may impact on emergency access. LPC object to the application where it will result in any on road parking in Chilston Road or adjacent roads.*

Note: It is understood that there are historic covenants on the properties in Chilston Road and Royton Avenue. LPC remind MBC that such covenants do not fall away with time and planning applications/decisions are still subject to the requirements of any such covenant as may apply to that property. MBC should be aware of such limitations when considering applications.

Summary: LPC objects to the application mainly with a focus on the impact and mass on the neighbours and the street scene. There is also concern regarding the visual impact and overlooking issues as well as potential loss of amenity in the rear gardens both through mass or the rear part of the development, potential shading, and overlooking.

LPC believe that the application is ill considered in this location and should be rejected."

6. APPRAISAL

The key issues are:

- Visual Impact
- Residential Amenity
- Parking/Highway Safety
- Other Matters

Principle of Development/Policy Context

- 6.01 Policy DM1 sets out the principles of good design. In particular, proposals should respond positively to local character and particular regard should be paid to scale, height, materials, detailing mass and bulk.
- 6.02 More specifically, Policy DM9 sets out the criteria for domestic extensions within built up areas. It states that proposals should be permitted if:

- i. *"The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street scene and/or its context;*
- ii. *The traditional boundary treatment of an area would be retained and, where feasible, reinforced;*
- iii. *The privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded; and*
- iv. *Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene."*

6.03 The Supplementary Planning Document Residential Extensions (2009) provides further guidance which includes (points summarised):

- Extensions should respond sensitively to the positive features of the area which contribute to the local distinctive character and sense of place in terms of scale, proportion and height. It is also desirable that the form, proportions, symmetry and detail of the original building should be respected. The scale, proportion and height of an extension should not dominate the original building, should be subservient to the original house and should fit unobtrusively with the building and its setting. The form of an extension should be well proportioned and present a satisfactory composition with the house (paragraphs 4.37 – 4.42).
- The infilling of spaces between detached and semi-detached dwellings with two-storey extensions could create a terraced appearance at odds with the rhythm of the street scene. Where there is a pattern of gaps, as a guide a minimum gap of 3m should be retained between the side wall of an extension and the that of the adjoining property. A side extension built flush with the front elevation of the existing house may also affect the symmetry of a semi-detached pair with adverse impact on the street scene, so a side extension should be subordinated to the original building (paragraphs 4.16, 4.17 & 4.18).
- Extensions should respect the amenities of adjoining properties in terms of privacy, daylight and sunlight and should maintain an acceptable outlook from a neighbouring property (paragraphs 4.70 – 4.79).

Visual Impact

6.04 It is considered that the design of the two-storey side extension incorporates measures from the design guidance in the adopted Residential Extensions SPD to subordinate it to the host dwelling. It would be stepped back from the front building line of the host dwelling and its ridge would be stepped down below the main ridge line. At only 2.5m wide, its proportions are considered acceptable and would be clearly less than half the width of the host dwelling. It would therefore appear subservient and fit unobtrusively with the host property. The use of matching materials would give a sympathetic finish and help the development to blend in with the host building.

6.05 Turning to the impact on the street-scene, the proposed side extension would significantly narrow the gap between the proposal and the neighbouring property at No.5, however, the submitted drawings demonstrate that a gap of approx. 3.4m would remain between the new flank wall and the flank wall of No.5. This complies with the design guidance in the adopted Residential Extensions SPD, which states that the pattern of gaps between the properties in a street scene should be maintained and that "there should normally be a minimum gap of 3 metres between the side wall of the two-storey side extension and the adjoining property." As such, it is considered that an adequate gap would remain between the properties to prevent a terracing effect. The proposed extension would meet the requirements

set out in the adopted SPD, and thereby those of Local Plan Policy DM9 with regard to visual impact, and is not considered to be harmful to the character or appearance of the street-scene.

- 6.06 The part two-storey/part single-storey rear extension would also appear subordinate because of its lower ridge height and its position behind the host dwelling. As the rear extension is not visible from the street scene, it is considered that it would not result in undue harm to the visual amenity of the street scene and surrounding area.
- 6.07 Lenham Parish Council has raised concern that if this proposal were to be approved, it would take away the right of the neighbour to do a similar extension because to do so would result in a terracing effect. Such scenarios are not without precedence. Looking at historical records of planning appeals, for example under reference APP/U2235/D/21/3271699, the Planning Inspectors have considered this point at No. 10 Meadow View Road, Maidstone and have concluded that "While I recognise that such a scenario might not appear fair, I must determine the appeal on the basis of the information before me. I have no substantive information about the prospect, timing and nature of any proposal to extend No.8 and therefore I cannot attach any significant weight to this consideration". Since that appeal decision is a material consideration, the same approach should be applied to the current application and as there is no substantive information about the prospect, timing and nature of any proposal for a two-storey side extension at No.5, it is considered that no significant weight can be attached to this consideration.
- 6.08 The proposal includes the extension of the existing driveway to accommodate an extra parking space. However, this will take up minimal space with a good sized front garden remaining to ensure that the proposal will not look out of place. All the front gardens of the 4 semi detached properties are just laid to lawn with no hedgerows. There will be no loss of trees or hedgerows as a result of the extended driveway. Even with the proposed new driveway and extensions, the dwelling will retain a good sized front garden and a good sized rear garden, that will not look out place in the area.
- 6.09 It is therefore concluded that the proposed development would not harm the character or form of the host dwelling or the character or appearance of the street scene.

Residential Amenity

- 6.10 The nearest neighbouring property is the north (No.1) and south (No.5). All other neighbouring properties are considered to be a significant distance away to be unaffected by the proposed development.

No.1 Chilston Road

- 6.11 No. 1 Chilston Road is the attached neighbouring property with a conservatory at the rear abutting the common boundary line. There is no adjacent facing fenestration on the rear extensions towards No. 1 and hence it is unaffected in terms of loss of privacy and overlooking.
- 6.12 The single storey rear extension would protrude approx. 3.4m beyond No.1's building line, alongside its conservatory in close proximity to the common boundary. A 45° BRE light assessment test carried out on the single-storey extension confirms that it would not result in overshadowing or cause loss of light to the neighbouring occupier due to its single-storey nature. The two-storey element is set away from the common boundary by approx. 3.2m such that no harm in terms of loss of light, overshadowing or loss of privacy or outlook would result.

- 6.13 The two-storey side extension would not affect this neighbour as it would be shielded by the host dwelling.

No.5 Chilston Road

- 6.14 Concerns were raised regarding loss of light and overshadowing to No.5. A 45° BRE light assessment test carried out confirms that the two-storey side extension would pass both the floor plan and elevation tests due to the 3.4m gap between the properties at first floor level and also the existing garage on the neighbouring property. It is therefore considered that the extension would not result in overshadowing or cause loss of light to any of No. 5's habitable spaces.

- 6.15 There would be 2 nos. high level windows on the proposed side elevation that would look towards No.5's flank wall. However, the proposed windows would serve the bathrooms and are proposed to be obscure glazing. These windows should be conditioned to remain obscure glazed with any opening parts restricted with limiters. Furthermore, the outlook is towards flank walls and garage and 2no. windows serving non-habitable spaces. Therefore, it is considered that no harm to any loss of privacy or outlook to the neighbouring occupiers would result.

Faversham Road

- 6.16 The land levels slope gently down towards the Faversham Road. However, the 2 nearest properties to the rear of the application site on Faversham Road are between 21m and 25m away from the new first floor bedroom window on the rear elevation of the proposed extension. As a result, there would be no unacceptable overlooking onto these properties. The application site will retain a good sized rear garden, providing good separation between the proposal and its neighbours.

- 6.17 Overall

The proposals would not result in a significant harm to neighbouring residential amenity that would warrant a refusal.

Impact on parking

- 6.18 The proposal would increase the number of bedrooms from 3 to 4 and concerns have been raised regarding insufficient parking provision. Appendix B of the Local Plan sets out that in the suburban locations 4 bedroom dwellings will require 2 parking spaces. In this case, the proposal would involve the extension of the driveway to the front of the property which meant that the application site could accommodate 2 cars. As such, it is not considered any harm would result to parking arrangements or highway safety.

- 6.19 Concerns have also been raised regarding issues with additional hard surface and the runoff affecting the neighbouring property. A condition could be imposed for the hard surfacing to be made of a porous material, or provision be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse. It should be noted that under permitted development rights, creation of additional hardstanding areas could be created at these properties.

Other Matters

- 6.20 Biodiversity/Ecological Enhancements: Due to the nature and relative scale of the development and the existing residential use of the site, it is not considered that any ecological surveys were required.

However, Policy DM1 of the Local Plan sets out, at point viii, that proposals should 'protect and enhance any on-site biodiversity and geodiversity features where

appropriate, or provide mitigation.’ This is in line with the NPPF and advice in the Residential Extensions SPD. Consequently, it is considered that a condition should be attached requiring biodiversity enhancement measures are provided *integral* to the proposed extensions and within the curtilage of the dwellinghouse. A log pile and hedgehog box have been indicated on the block plan, but additional measures are sought, including integral provision within the extension. This would enhance habitat provision to offset the additional development.

- 6.21 Renewables: The NPPF, Local Plan and residential extensions SPD all seek to promote the use of renewables and energy/water efficient buildings. The proposals by their nature are extensions to an existing building such that it would be unreasonable to seek to secure such measures which do not accord to the scale of the development. However, energy efficiency can be secured through measures such as construction or water efficient for use of measures such as water butts, as such to secure such measures a condition is considered reasonable to ensure that the development incorporates appropriate measures.

PUBLIC SECTOR EQUALITY DUTY

- 6.22 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 below it is considered that the proposed erection of a two-storey side extension, part two-storey/part single-storey rear extension including rooflight, front porch extension and extension of existing driveway would be acceptable and would not cause significant visual harm, harm to neighbouring amenity or highway safety nor be unacceptable in terms of any other material planning considerations such that the proposed development is considered to be in accordance with current Development Plan Policy and planning 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 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:

Site Location Plan and Existing Block Plan – Drawing no. 4346-01

Existing Ground Floor and First Floor Plan – Drawing no. 4346-02

Existing Elevations – Drawing no. 4346-03

Existing Section A-A – Drawing no. 4346-04

Proposed Block Plan – Drawing no. 4346-10A

Proposed Ground Floor and First Floor Plan – Drawing no. 4346-11C

Proposed Elevations – Drawing no. 4346-12B

(All received 17.04.2023)

Reason: To clarify which plans have been approved.

- 3) The materials to be used in the construction of the external surfaces of the building(s) hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development.

- 4) The extension/s hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through at least one integrated method into the design and appearance of the extension by means such as swift bricks, bat tubes or bee bricks, and through the provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to first use of the extension/s and all features shall be maintained thereafter.

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

- 5) 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 extension/building have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first use and retained 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.

- 6) The new driveway hereby approved and any additional hardsurfacing within the front curtilage of the dwellinghouse shall be made of a porous material, or provision be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Reason: In the interests of sustainable drainage and surface run off

- 7) Before the development hereby permitted is first used, the proposed ensuite and bathroom windows in the first floor side (south) elevation to the extension shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3, and these windows shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

- 8) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the north and south facing first floor elevations of the two-storey side and rear extensions hereby permitted.

Reason: To prevent the overlooking of adjoining properties and to safeguard the privacy of their occupiers.

- 9) The flat roof area of single storey rear extension hereby permitted shall not be used as a veranda, balcony, roof garden or similar amenity area. Furthermore, no balustrades, railings or other means of enclosure shall be erected and access to this flat roof area shall be restricted solely for the purpose of future maintenance of the extension/dwelling and for no other purpose.

Reason: To protect neighbouring amenity

INFORMATIVES

- 1) 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.
- 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) Your attention is drawn to the following working practices which should be met in carrying out the development:
- Your attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition: if necessary you should contact the Council's environmental health department regarding noise control requirements.
 - Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Council's environmental health department.
 - Plant and machinery used for demolition and construction should only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
 - Vehicles in connection with the construction of the development should only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

- The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours is advisable. Where possible, the developer shall provide residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work.
- Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.
- It is recommended that the developer produces a Site Waste Management Plan in order to reduce the volumes of waste produced, increase recycling potential and divert materials from landfill. This best practice has been demonstrated to both increase the sustainability of a project and maximise profits by reducing the cost of waste disposal.
- Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

If relevant, the applicant must consult the Environmental Health Manager regarding an Environmental Permit under the Environmental Protection Act 1990.

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.

Agenda Item 13



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NO: - 23/501390/FULL		
APPLICATION PROPOSAL: Change of use of existing residential annex to office space for applicant's financial services business (Use Class E (c) (i)) including removal of glazed lobby on west elevation and installation of an internal raised floor.		
ADDRESS: Hillside Cottage Sutton Valence Hill Sutton Valence Kent ME17 3AR		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is acceptable regarding the relevant provisions of the Development Plan, Neighbourhood Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: Call in from Sutton Valence Parish Council for the reasons in section 4 (Local Representations) of this report.		
WARD: Sutton Valence And Langley	PARISH/TOWN COUNCIL: Sutton Valence	APPLICANT: Mr & Mrs Adam & Vanessa Letts AGENT: JN Atelier Design Ltd
CASE OFFICER: William Fletcher	VALIDATION DATE: 20/03/23	DECISION DUE DATE: 30/06/23
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

23/501571/LBC

Listed Building Consent for conversion of existing residential annex to office space for applicant's financial services business including removal of glazed lobby on west elevation and installation of an internal raised floor. Approved 22.05.2023

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 Hillside House is a substantial Grade II listed four bedroom, brick and tile hung dwelling of circa 17th century house set in approximately 1.25 acres of grounds and within Sutton Valence Conservation Area. Hillside House is located on the junction of the A247 Headcorn Road and the Village High Street.
- 1.02 The current application relates to Hillside Cottage. Hillside Cottage is a curtilage listed detached one-bedroom, self-contained annex in the rear garden of Hillside House. The garden of Hillside House also includes a large barn which provides parking for two cars, a concrete parking area, landscaped amenity area and a second access to the A247 Headcorn Rd at the southern of the site.

Application Site



2. PROPOSAL

- 2.01 The application seeks to convert a separate residential annexe into an office space for applicant's financial services business (Use Class E)
- 2.02 The support statement includes the following: "The applicants run a small financial services business, currently located in an office development complex on the outskirts of Maidstone. They both work full time in the business. There are a small number of other staff (4-6) typically part time (full days but not full weeks) and some who predominantly work remotely and from home. It is predominantly staff that will visit the office as the nature of the business means that clients/visitors to the office are extremely rare."
- 2.03 The application also seeks the removal of a glazed lobby on the West elevation and the installation of an internal raised floor. This has been subject to the approved Listed Building Consent has been approved for this work as detailed earlier in this report.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

- SP11 – Larger Villages
- SP15 – Sutton Valence Larger Village
- SP18 – Historic environment
- SP21 – Economic development
- DM1 – Principles of good design
- DM4 – Development affecting designated and non-designated heritage assets
- DM9 – extensions, conversions and redevelopment within the built-up area.
- DM21 – Assessing the transport impacts of new development.

Maidstone Borough Council – Local Plan Review

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 (Stage 2 concluded on the 9 June 2023). The relevant policies in the draft plan are as follows:

LPRS7 - Larger villages

LPRSP11 - Economic development
LPRSP11(A) - Safeguarding existing employment sites and premises
LPRSP11(B) - Creating new employment opportunities
LPRSP12 - Sustainable transport
LPRSP14 - Environment
LPRSP14(A) - Natural environment
LPRSP14(B) - Historic environment
LPRSP14(C) - Climate change
LPRSP15 - Principles of good design
LPRSS1 - Spatial strategy
LPRTRA2 - Assessing transport impacts
LPRTRA4 - Parking
LPRENV1 - Historic environment
LPRQ&D1 - Sustainable design
LPRQ&D2 - External lighting

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

4. LOCAL REPRESENTATIONS

Local Residents: No representations were received from neighbouring properties.

Sutton Valence Parish Council

Objection, the proposal is contrary to Local Plan policy DM 21 (Assessing the transport impacts of development) in that development proposals must:

- i) "Demonstrate that the impacts of trips generated to and from the development are accommodated, remedied or mitigated to prevent severe residual impacts, including where necessary an exploration of delivering mitigation measures ahead of the development being occupied".
- ii) "Provide a satisfactory Transport Assessment for proposals that reach the required threshold and a satisfactory Travel Plan in accordance with the threshold levels set by Kent County Councils Guidance on Transport Assessments and Travel Plans and in Highways England guidance".
- iii) "Demonstrate that development complies with the requirements of policy DM6 for air quality".

5. CONSULTATIONS

KCC Highways

- 5.01 No objection. This development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

6. APPRAISAL

The key issues are:

- Site location
- Heritage and visual impact
- Residential amenity
- Highways

Site Location

- 6.01 The application site is located within the settlement boundary of Sutton Valence which is designated as a 'Larger Village' which is the third most accessible location category in the settlement hierarchy after the urban area and rural service centres.

- 6.02 Policy SP11 states that the Council will focus new development within the settlements when it is minor development such as infilling. Policy SP21 states that

the Council will improve the economy of the borough by "Supporting proposals that encourage highly skilled residents to work in the borough to reduce out-commuting".

- 6.03 The proposal which seeks the to establish a financial services business within an existing building within Sutton Valence is assessed as being in accordance with policies SP11 and SP21. The assessment below will consider potential visual impact, and on amenity and on the highway network.

Heritage and Visual Impact

- 6.04 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.
- 6.05 The NPPF (paragraphs 201 and 202) requires the impact on the significance of a designated heritage asset to be assessed as either "substantial harm" or "less than substantial harm" with NPPG guidance setting out that "substantial harm" has a high threshold "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".
- 6.06 NPPF guidance (paragraphs 199 and 200) states that when assessing the impact of 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 to significance amounts to substantial harm, total loss or less than substantial harm.

Hillside House itself has the following listing description. "House. C17 or earlier. Timber framed. Ground floor red brick. First floor tile-hung with banded plain and fishscale tiles. Plain tile roof. North elevation: 2 storeys, with semi-basement to rear. Roof hipped to right, returning with lower ridge. Central brick stack parallel to ridge. Irregular fenestration of two 4-light casements. Right return wing jettied to Headcorn Road on moulded bressumer, partly underbuilt. Hipped roof. Projecting rear stack. Ribbed door in C20 porch up 5 steps towards centre of Headcorn Road elevation. Interior: not inspected, but said to have C17 panelling and cartouche."

- 6.07 With regards to the 'physical' works to the building the Listed Building Consent assessed that the works were of a minor scale which the conservation officer did not object to. The LBC application assessed the porch which the development seeks to remove as being a poor-quality addition which detracts from the simple, functional character of the buildings and that its removal loss would be an enhancement.
- 6.08 In terms of the visual impact of the proposal the only alteration would be the removal of a 'modern' glazed porch attached to the annex, it is not assessed that this causes any visual impact on the wider area or the listed building.
- 6.09 The listed building consent application has already been permitted, it can be assessed that the proposal causes "less than substantial harm" to the listed building any harm impact caused would be outweighed by the economic benefits of the proposed use.

Residential Amenity

- 6.10 The closest neighbouring property to the application building is approximately 30m to the north east of the application building (Red Heugh House). Due to the distance and when considering the application building is sited lower than this property, it is not assessed that the activities taking place on site would cause harm.
- 6.11 The Old Forge is located approximately 40m to the north west of the application building, due to the distance, boundary treatment and the siting of the building no impact on this property would occur from activities.
- 6.12 Other properties in the area are such a distance that no harmful impact would occur.
- 6.13 It is common to have business office space provided in residential properties and in most cases if the primary residential use does not change, these uses generally do not require planning permission. It is also common to have larger non-residential uses present in residential areas such as doctors and dentists and assessment is carried out on the potential impact on amenity from these uses. With the low level of activity on the site and conditions that restrict the hours of operation, it is concluded that the proposal is acceptable in relation to residential amenity.

Highways

Access, servicing, and trip generation

- 6.14 Local Plan policy DM 1 states that proposals will be permitted, where they can safely accommodate the associated vehicular and pedestrian movement on the local highway network and through the site access. Policy DM 21 states that development proposals must "Demonstrate that the impacts of trips generated to and from the development are accommodated, remedied or mitigated to prevent severe residual impacts, including where necessary an exploration of delivering mitigation measures ahead of the development being occupied".
- 6.15 In relation to trip generation, the applicant has advised:
- "The applicants each currently drive (individually) to their office in Maidstone daily, frequently coming back to the house during the day to attend to children and animals. This proposal will enable them to work from the annex/office and their vehicle movements in and out of the site will be significantly reduced"
 - "The annex, in residential use, can accommodate two people, requiring two cars and potentially similar daily movements in and out of the site as the main dwelling, with the potential for visitors in addition".
 - "Use of the annex for E)c)i) use (financial services) instead of residential will not require any vehicle movements at weekends. The limited number of on-site staff each day, in addition to the applicants, will typically be between two & four (typically total of between four and six people present on site)"
- 6.16 Policy DM 21 states that development proposals must "Provide a satisfactory Transport Assessment for proposals that reach the required threshold and a satisfactory Travel Plan in accordance with the threshold levels set by Kent County Councils Guidance on Transport Assessments and Travel Plans and in Highways England guidance". Formal Transport Assessment are normally required for non-residential development providing more than 1,000 square metres. The current application is significantly below this threshold relating to floor area of 74m² (following the removal of the porch).
- 6.17 The development utilises two existing access points. The speed restriction at both vehicular access points is 30mph. At the northern vehicular access the 30mph

restriction starts approximately 235m to the south and over a mile to the north. The southern vehicular access point is approximately 116m south of the north access point and approximately 118m inside the 30mph speed restriction.

- 6.18 The existing access points have been assessed in relation to its anticipated level of use, its width, driver sight lines and the future servicing of the accommodation and are considered suitable.

Car and cycle parking

- 6.19 Local Plan policy DM1 sets out that new development should provide adequate vehicular and cycle parking to meet adopted council standards, encouraging good access routes. Local Plan policy DM 23 states that the car parking for non-residential uses will consider the following:
- i) The accessibility of the development and availability of public transport.
 - ii) The type, mix and use of the development proposed, and
 - iii) Whether development proposals exacerbate on street car parking to an unacceptable degree.
- 6.20 Addressing these points the applicants supporting statement includes the following "Parking provision on site is generous with at least seven spaces in the yard/parking area adjacent to the annexe building and further onsite parking to the south of the site and in the village. There is a regular and frequent bus service on the A247 and metaled footpath to the north and south."

Application site, facing south, March 2023 (Annexe building on left, parking garage on right.).



- 6.21 The plans submitted indicate that the property has access to 2 covered vehicle parking spaces as well as 5 uncovered spaces, albeit in somewhat of a tandem formation. The plans do not 'allocate' parking spaces for the dwelling and the annexe use. Accepting this will require some management on behalf of the applicant it would be possible to accommodate vehicles associated with the use. Site photos submitted do show that the applicant is using the parking garage, which appears substantial.

Parking Garage



- 6.22 Car parking standards for non-residential uses are set out in Supplementary Planning Guidance SPG 4 Kent Vehicle Parking Standards July 2006. In terms of the converted floorspace, the guidance states that a maximum (not minimum) of up to three additional car parking spaces should be provided.
- 6.23 The building (following physical works) has an internal floor space of 75m². The vehicle parking standard for financial services (previously Class A2, now Class E) is a 'Maximum' of 1 space per 20m² which covers both spaces for staff and visitor/customer spaces. Rounding up this would be a 'maximum' of 4 parking spaces which the proposal is in excess of.
- 6.24 In terms of deliveries to the site, it is accepted these could take place, if the dwelling and annexe were fully occupied it is possible there could be a number of deliveries from online shopping etc during the day, it is not assessed that the Class E use would necessarily be so great over the existing use that a 'severe' impact would occur.
- 6.25 Cycle parking standards indicate a minimum of 2 spaces should be provided, plans indicate a cycle storage along with refuse and 2 motorbike parking spaces, there would be more than enough room to store any cycles within the parking area.
- 6.26 The applicant has referred to on-street parking and whilst it seems unlikely that the use would have to rely on this, it is available within the village. When doing site visits in Sutton Valence this provision does not appear to be oversubscribed during the day.
- 6.27 The NPPF states "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (Paragraph 111)*". It is concluded that the impact of the application on highway safety will be acceptable and the impact on the road network will not be 'severe'.

- 6.28 The impact of the proposal is found to be acceptable for the following reasons:
- i) This change of use application involves a modest area of floorspace with this floorspace currently generating vehicle trips.
 - ii) The vehicle trips associated with the proposed commercial floorspace can be safely accommodated on the highway network.
 - iii) The proposal is acceptable in relation to parking standards are set as maximum and there is no available space on the site for additional parking.
 - iv) The application has been assessed by the highways authority and they raise no objection.
 - v) The proposal is in line with paragraph 82 of the NPPF which states "be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.
- 6.29 Policy DM 21 states that development proposals must "Demonstrate that development complies with the requirements of policy DM6 for air quality". When considering the existing use of the building it is not assessed that the proposal is likely to generate such a significant number of visitors over the existing use that an air quality assessments is required.

PUBLIC SECTOR EQUALITY DUTY

- 6.30 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 development does not cause any visual harm to the locality, nor does it cause any harm to the fabric of the Grade II listed building Hillside Cottage.
- 7.02 The development does not cause any harm to the amenity of neighbouring occupiers.
- 7.03 The development which utilises an existing access would not cause harm to the highway network.
- 7.04 It is assessed that the development is compliant with local and national planning policies and is recommended for approval.

8. RECOMMENDATION GRANT PLANNING PERMISSION subject to the following conditions:

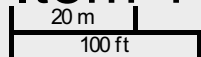
- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development shall be carried out in accordance with the following approved plans and documents:
Application for planning permission
511-1 Existing Block and Site Location Plans
511-2A Existing and Proposed Site Plans
511-3 Rev A Existing and Proposed Site Plans
511-4 Rev A Existing and Proposed Plans and Elevations
Reason: To clarify the approved plans and to ensure the development is carried out to an acceptable visual standard.

- 3) Prior to the commencement of the approved use measures taken for the on site enhancement of biodiversity shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the enhancement of biodiversity by means within the site curtilage of measures such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. All features shall be maintained permanently thereafter. Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.
- 4) No external work shall take place on the building until details (manufacturer name, product name, and photographs) of the external facing materials to be used for 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 and maintained as such thereafter. Reason: To ensure a satisfactory appearance to the development.
- 5) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors and the sensitive landscape location. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter. Reason: In the interest of amenity and wildlife.
- 6) No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order, with or without modification) or not, shall be carried out on the areas shown as parking spaces or service vehicle turning space or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking/vehicle turning inconvenient to other road users and in the interests of road safety.
- 7) The class E use hereby permitted shall be restricted to the hours of 08:00 to 18:00 hours Monday to Friday, no Class E use shall take place in the premises on Saturday, Sundays or Bank Holidays.

Reason: In the interests of safeguarding neighbouring amenity.
- 8) The use hereby permitted shall not commence until an acoustic report has been submitted for approval in writing by the local planning authority to ensure that any background noise from the proposed use shall be low as can be possible. In general this is expected to be 5dB below the existing measured background noise level LA90, T during the day time period. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5 the applicant's consultant should contact the Environmental Protection Team to agree a site specific target level. Any mitigation measures approved through this condition shall be implemented prior to first use of the plant and equipment and retained at all times thereafter.

Reason: In the interests of aural amenity.



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NO: - 23/500362/FULL		
APPLICATION PROPOSAL: Proposed erection of an infill extension to ground floor of Unit 1 (Northern Office block) alongside alterations to car parking layout to allow for additional floorspace		
ADDRESS: Unit 1 Genco Business Park Ashford Road Hollingbourne Kent ME17 1XH		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is acceptable regarding the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: The reasons for referral to committee from Hollingbourne Parish Council are detailed below within section 4 (Local Representations).		
WARD: North Downs	PARISH/TOWN COUNCIL: Hollingbourne	APPLICANT: Genco Construction Ltd AGENT: DHA Planning
CASE OFFICER: William Fletcher	VALIDATION DATE: 25/01/23	DECISION DUE DATE (EOT): 30/06/23
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

20/501428/FULL - Erection of 2no. two storey office buildings with associated car park, landscaping and fencing. Permitted 04/11/2020.

MAIN REPORT

Application Site



1. DESCRIPTION OF SITE

- 1.01 In policy terms the application site is located in the countryside.
- 1.02 The site can be found near Junction 8 of the M20, to the south of the A20, approximately 5 kilometres east of Maidstone town centre. To the north of the site is junction 8 of the M20 and opposite the application site is a light industrial and storage unit site at Woodcut Farm. The site is prominent in the landscape.
- 1.03 There are two, two storey buildings on the site which provide office accommodation accessed via a gated ragstone wall entrance.
- 1.04 Units 1 & 2 are both of a significant scale adding to their prominence but seek to mimic a Kent farmstead style with black painted weatherboard on brick plinth under barn hipped red clay tile roof. The application building includes an unusual undercroft parking arrangement, which is depicted in the below appraisal section.

2. PROPOSAL

- 2.01 One of the two existing commercial buildings (Unit 1) was constructed with an undercroft and enclosed parking area. The current application seeks to remove this undercroft parking incorporating the space into the main building as additional office space.
- 2.02 The proposal for additional open plan office and reception space will increase the floorspace of Unit 1 by 129m² (c.20 percent) from 509m² to 638m². Unit 2 will remain unchanged. The two office buildings on site have access to a total of 44 parking spaces
- 2.03 The proposal would remove six parking bays located within the undercroft parking area of Unit 1, and convert this area to office accommodation, realign the three parking bays to the west of Unit 1 to be at right-angles to the access road, and allow pedestrian access to the new Unit 1 entrance; and remove a single parking bay to the south of Unit 1 to provide pedestrian access to a new side entrance. As such a total of 37 spaces are proposed (Loss of 7 spaces), parking arrangements depicted below.

Existing Site Plan



Proposed Site Plan



Local Residents: No representations received from local residents

Hollingbourne Parish Council Comment:

Hollingbourne Parish Council have objected to the application based on concerns that the application may be over development of the site. The Parish have requested the application be considered by the Planning Committee should the case officers' recommendation be contrary to the Parish.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

SP17 - Countryside

DM1 - Principles of good design

DM23 – Parking standards

DM30 – Design principles in the countryside

DM37 – Expansion of existing businesses in rural areas

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 (Stage 1 hearings concluded). The relevant policies in the draft plan are as follows:

SP9 Development in the Countryside

SP15 Design

TRA4 Parking standards (Appendix B)

Q&D4 Design Principles in the Countryside

4. CONSULTATIONS

KCC Highways

4.01 No objection

5. APPRAISAL

The key issues are:

- Location in the countryside
- Visual impact
- Residential amenity
- Highways

Location in the countryside

5.01 The application site is in the countryside and the starting point for assessment of all applications in the countryside is Local Plan Policy SP17. Policy SP17 states that development proposals in the countryside will not be permitted unless:

- a) they will not result in harm to the character and appearance of the area and
- b) they accord with other Local Plan policies

5.02 In relation to SP17 a) and considering the impact of development on the character and appearance of the countryside the relevant adopted local plan policies are DM1 and DM30.

5.03 Policies DM1 and DM30 both require development (including the type, siting, materials and design, mass and scale of buildings, and activity should maintain, or where possible enhance, local distinctiveness, and any impacts on the appearance and character of the landscape should be appropriately mitigated.

5.04 The application site is located within Leeds Castle Parklands Landscape Character Area, which the landscape character guidelines note is an "Artificial landform as part of golf course at Leeds Castle". The 'detailed landscape assessment' notes that application sites specific character is 'Major infrastructure' with modern development and urban influences.

- 5.05 In policy terms the surrounding area is located in the countryside, however, in terms of its visual character, whilst it does retain a rural feel due to the lack of built development, the application site is in close proximity to the M20 and is becoming more developed with the application site buildings built within the last 3 years and the commercial development taking place on the opposite side of A20.
- 5.06 In terms of the design of the development the existing covered parking area would be fully enclosed with materials that match the existing building i.e. brickwork and glazing, as depicted below on the next page.
- 5.07 The proposal does not increase the footprint of the building, and would fully incorporate the existing undercroft parking area into the building using a design and materials that are sympathetic to the existing building. As such it is not assessed that the proposal causes any visual harm.

Existing parking area



Proposed front elevation



Residential amenity

- 5.08 The development causes no amenity issues. There are no residential dwellings in such close proximity that any harm would occur.

Highways

- 5.09 The proposal for additional open plan office and reception space will increase the floorspace of Unit 1 by 129m² (c.20 percent) from 509m² to 638m². Unit 2 will remain unchanged. The two office buildings on site have access to a total of 44 parking spaces.
- 5.10 The proposal would remove six parking bays located within the undercroft parking area of Unit 1, and convert this area to office accommodation, realign the three parking bays to the west of Unit 1 to be at right-angles to the access road, and allow pedestrian access to the new Unit 1 entrance; and remove a single parking bay to the south of Unit 1 to provide pedestrian access to a new side entrance. As such a total of 37 spaces are proposed (Loss of 7 spaces).
- 5.11 Under SPG4 KCC Parking Standards B1 uses (Offices) with between 500 to 2,500m² of floorspace are required to provide a 'maximum' of 1 parking space per 25m². This here would require a 'maximum' of 50 spaces, a shortfall of 13. A 'maximum' standard was adopted to restrain the amount of parking allocated for development. There is no minimum standard for parking for this type of development.
- 5.12 The applicant has submitted a transport statement which details how car parking levels on the site have remained static at around 26 vehicles since the offices were occupied.

- 5.13 Considering the proposed increase in office floor space (20%) the applicant calculates that 32 vehicles (26 + 20%) could be expected on site, which remains below the 37 proposed parking spaces.
- 5.14 In terms of existing parking use, the applicant has set out that parking on the site is currently underutilised for several reasons including:
- staff now working remotely post Covid, hence working environment requirements have changed, with staff utilising desk space within offices in a hybrid fashion.
 - "Many spaces are underutilised as visitors to the site are contractors, hence temporary use for pick up/drop off's.
- 5.15 Officer site visits during the day have provided further evidence that on site parking is under used and as such the loss of the proposed car parking spaces is a sensible approach. Additionally, the loss of parking spaces needs to be balanced against the need to make effective use of the land and the economic benefit from increasing the available office space.
- 5.16 There is no on street parking available in the vicinity and as such the development will not result in any overspill which policy DM21 seeks to avoid.
- 5.17 Policy DM21 states that proposals must "Demonstrate that the impacts of trips generated to and from the development are accommodated, remedied or mitigated to prevent severe residual impacts, including where necessary an exploration of delivering mitigation measures ahead of the development being occupied". The proposal is found to be acceptable in terms of trip generation and the highway network. No objections have been received from the local highways authority.

Expansion of existing rural businesses (policy DM37)

- 5.18 Policy DM37 of the Local Plan allows the expansion of existing rural businesses in rural areas subject to the criteria listed below. Each criteria is followed by comment.
- i) *New buildings are small in scale and provided the resultant development as a whole is appropriate in scale for the location and can be satisfactorily integrated into the local landscape.*
- 5.19 The current proposal relates to an extension of part of the application building and not a new building. The assessment above concludes that the extension is appropriate in scale for the location and will be integrated into the area.
- ii) *The increase in floorspace would not result in unacceptable traffic levels on nearby roads or a significant increase in use of an existing substandard access.*
- 5.20 As set out above, the proposal has been found to be acceptable in relation to traffic and travel impact.
- iii) *The new development, together with the existing facilities, will not result in an unacceptable loss in the amenity of the area. In particular the impact on nearby properties and the appearance of the development from public roads will be of importance; and*
- 5.21 As set out above, the proposal has been found to be acceptable in relation to amenity impact.
- iv) *No open storage of materials will be permitted unless adequately screened from public view throughout the year.*

- 5.22 There is no space available on the application site for open storage and a condition is recommended that requires the parking spaces to be retained.

PUBLIC SECTOR EQUALITY DUTY

- 5.23 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

- 5.24 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.

6. CONCLUSION

- 6.01 The proposal does not increase the footprint of the building and would fully incorporate the existing parking area into the building using materials and a design that are sympathetic to the existing building. As such the proposal will not cause any visual harm.
- 6.02 Whilst the development results in the loss of parking spaces, standards for this type of development are 'maximum' levels and no objections have been received from the highways authority. The development would not have a harmful impact upon parking in the area or the wider highway network.

7. 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 be carried out in accordance with the following approved plans and documents:
Application for planning permission
P001 Site Location Plan
P002 Existing Block Plan
P003 Existing Floor and Elevations Plan
P004 Rev A Proposed Block Plan
P005 Proposed Floor and Elevations Plan
Design and Access Statement
Crash Report
Crash Report Plan
Reason: To clarify the approved plans and to ensure the development is carried out to an acceptable visual standard.
- 3) The materials to be used in the development hereby approved shall be as indicated on the approved plans.
Reason: To ensure a satisfactory appearance to the development
- 4) No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order, with or without modification) or not, shall be carried out on the areas shown as parking spaces or service vehicle turning space or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking/vehicle turning inconvenient to other road users and in the interests of road safety.

Informatives:

- 1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st 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.



Ordnance Survey - data derived from OS Premium

23/501009/FULL & 23/501008/LBC Chord Electronics Ltd, The Old Pump House, Farleigh Bridge, East Farleigh, Maidstone, Kent

Scale: 1:1250

REPORT SUMMARY

REFERENCE NO: 23/501009/FULL		
APPLICATION PROPOSAL: Erection of a third floor to create additional business space.		
ADDRESS: Chord Electronics Ltd, The Old Pump House, Farleigh Bridge, East Farleigh Maidstone Kent ME16 9NB		
RECOMMENDATION: GRANT PLANNING PERMISSION– 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 the proposed erection of a third floor to create additional business space would be acceptable and would not cause significant visual harm, it would not harm neighbouring amenity or highway safety. The proposal is acceptable in terms of any other material planning considerations and is in accordance with current policy and guidance.		
REASON FOR REFERRAL TO COMMITTEE: Call in from Cllr Gooch for the reasons set out at paragraph 4.02		
WARD: Barming And Teston	PARISH/TOWN COUNCIL: Barming	APPLICANT: Chord Electronics AGENT: DHA Planning
CASE OFFICER: Chloe Berkhauer-Smith	VALIDATION DATE: 30/03/23	DECISION DUE DATE: 30/06/23
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

89/2153 : Alterations renovation and refurbishment of existing building plus demolition of some existing buildings Approved 06.06.1990

89/2159: Demolition of single storey to 'The Egyptian Building' and subsequent renovation alteration and refurbishment Approved 17.07.1990

90/1292: The carrying out of the development permitted by planning permission MA/89/2153W without complying with condition (xiii) (hours of work). Approved 02.11.1990

90/1345: Amendment to fenestration of west elevation of building formerly known as Egyptian Building. Approved 15.10.1990

90/1362: Listed Building Consent for amendment to fenestration of west elevation of building formerly known as Egyptian Building. Approved 15.10.1990

96/0788: Change of use and conversion of existing buildings to provide three no. dwellings with associated parking and amenity areas Approved 03.12.1996

96/1087: Conversion of existing buildings to form 3 no. dwellings with associated parking areas. Approved 02.10.1996

96/1517: Listed Building Consent application for alterations internally and externally including new fenestration staircases garage doorway and velux rooflights. Approved 31.01.1997

96/1559: Alterations and insertion of additional first floor to existing workshop including insertion of garaging doorway. Approved 31.01.1997

97/0655: Listed Building Consent for the insertion of 3 rooflights. Approved 31.07.1997

97/1135: Advertisement consent application to install a wall mounted sign to east elevation. Approved 24.09.1997

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is in the countryside as defined in the Local plan. The site is in an area of built development between the River Medway in the south, and the railway line and East Farleigh Railway Station in the north. The applicant reports *"The whole complex was converted in the 1990s to provide office accommodation and new housing to the west following a period of dereliction"*.
- 1.02 The single track vehicle access from Farleigh Lane is shared with Empress Riverside Park. Empress Riverside Park located to the west consists of a gated residential estate of 36 park homes. Empress Riverside Park plots 34 and 35 are closest to the application site. The single storey timber clad building called The Malthouse to the south of the application site provides 5 dwellings.
- 1.03 The former waterworks building (known as The Works) built in stock brick is to the south east of the application site (east of The Malthouse) and is Grade II Listed. Permission was granted in 2019 for the conversion of first floor office space into a single self-contained flat (19/500694/FULL), with self-contained office space at ground floor. Permission was granted in August 2021 for alterations to fenestration and doors, creation of rear steps to balconies and erection of second floor roof extension to provide additional office space (20/505875/FULL).
- 1.04 The Works is at the northern end of the East Farleigh Station Road bridge which is Grade I Listed. To the north of The Works and east of the application site is a terrace of two storey brick houses fronting Farleigh Lane (No's 1 and 2 River Lodge)
- 1.05 Immediately to the north of the application site is a railway embankment with the railway track at a higher level. There is a general rise in ground level when travelling north away from the site on Farleigh Lane and a slight fall in ground level from the east to the west across the site.
- 1.06 The building on the application site is constructed in yellow brick with red brick detailing including curved brick window lintels and piers. The application building is curtilage listed due to its relationship with Grade II The Works building with a separate application for listed building consent on this committee agenda. The application building is provided with 8 off street car parking spaces, with two spaces to the east side of the building and the remainder on the west side.
- 1.07 The application building is currently used as a business space for Chord Electronics who are a designer and manufacturer of high-end HiFi electronics.

2. PROPOSAL

- 2.01 This application is for the construction of an additional building storey (at third floor level) over the main part of the building to create additional floorspace for the

existing commercial use. The additional floor is intended to provide showroom space.

- 2.02 The additional building storey would have the same width and depth of the main building which is approximately 7m wide and depth of 14.7m (additional 70 square metres) . The proposal would increase the main building eaves height from 11m to 13m and the roof ridge height from 12.3 metres to 15.7m.
- 2.03 The applicant has provided the following background information:
- *"Chord Electronics are an established designer and manufacturer of high-end HiFi products, having been established in 1989. Chord Electronics is a key generator of high skilled manufacturing jobs.*
 - *Chord Electronics have experienced exponentially growth over the last decade or so, and whilst expanding operations into 'The Works' provided much needed additional space, custom built space with high acoustic qualities is required to showcase products, provide quality meeting space and an area for training. With this additional space, Chord's operation on the site (and the job opportunities available in the company) are safeguarded in the medium and long-term.*
 - *The additional floor space will not result in more employees being present on the site at any one time but will improve the existing function of the Chord Electronics site".*

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

SS1 - Spatial strategy

SP17 - Countryside

SP18 - Historic environment

SP21 - Economic development

SP23 - Sustainable transport

DM1 - Principles of good design

DM2 - Sustainable design

DM3 - Natural environment

DM4 - Development affecting designated and non-designated heritage assets

DM6 - Air quality

DM8 - External lighting

DM21 - Assessing transport impacts

DM23 - Parking standards

DM30 - Design principles in countryside

DM37 - Expansion of existing businesses in rural areas

Maidstone Borough Council – Local Plan Review

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 (Stage 2 concluded on the 9 June 2023). The relevant policies in the draft plan are as follows:

LPRS7 - Larger villages

LPRSP7(A) - East Farleigh

LPRSP11 - Economic development

LPRSP11(A) - Safeguarding existing employment sites and premises

LPRSP11(B) - Creating new employment opportunities

LPRSP12 - Sustainable transport

LPRSP14 - Environment

LPRSP14(A) - Natural environment

LPRSP14(B) - Historic environment

LPRSP14(C) - Climate change

LPRSP15 – Principles of good design

LPRSS1 - Spatial strategy
LPRTRA2 - Assessing transport impacts
LPRTRA4 - Parking
LPRENV1 - Historic environment
LPRQ&D1 - Sustainable design
LPRQ&D2 - External lighting

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

4. LOCAL REPRESENTATIONS

Local residents

4.01 5 representations received raising the following (summarised) issues:

- Overshadowing
- Traffic and parking
- Loss of privacy
- Drainage concerns

The other matters raised by neighbours and other objectors are discussed in the detailed assessment below.

Councillor Gooch

4.02 A decision on this application should be made by the Planning Committee and not through the delegated procedures to balance benefits against harm and for the following reasons:

- I urge officers to revisit the Daylight and Sunlight assessment on 1-2 River Lodge, which will be dwarfed by this proposal. The degree of separation between the two buildings (The Old Pump House and River Lodge) is not sufficiently reasonable, consequently the impact on River lodge will be inescapable all year round, particularly during winter months when the sun is at its lowest in the sky and daylight hours are shortest.
- Just as for the yet-to-be-completed conversion of The Works, parking is still totally inadequate with no turning space on this narrow site. No additional parking is provided, I would suggest because there isn't any more to be had on site. The private car parking spaces to 1-2 River Lodge are frequently used as turning spaces causing angst and disturbing the quality of life and environmental amenity of the residents.
- Local residents' local amenity, enjoyment of the locality and quality of life - particularly that of 1-2 River Lodge - is already impeded by the ongoing noise and disturbance, mess and dust of ongoing conversion works to The Works. If planning permission were to be granted, I request that a condition be imposed to preclude commencement of this proposal until completion of The Works conversion 20/505875.
- This proposal may well generate more visits and in time maybe more jobs, yet no travel plan has been submitted to discourage parking on site or to encourage use of sustainable transport. This requirement was conditioned to planning permission 20/505875 to convert The Works and has yet to be met, so I would have thought it would have accompanied this proposal.

Barming Parish Council

4.03 Support this application, but have the following concerns:

- There is no transport policy to encourage the use of bicycles/trains to get to the site (bicycle station etc),
- Not enough environmental improvements have been considered (rain water catchers and highest BREEAM standards) and
- Concern about future parking pressures.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

MBC Conservation Officer

- 5.01 No objection and recommend approval for reasons set out in the assessment later in this report.

KCC Minerals and Waste

- 5.02 No objection. No minerals or waste management capacity safeguarding objections or comments to make regarding this proposal.

Historic England

- 5.03 No comment. This should not be interpreted as comment on the merits of the application.

KCC Public Rights of Way

- 5.04 No objection to the proposal. Planning application will not have any impact on public footpath KM15, which passes along the lane adjacent to The Old Pump House on its' Southern side. Safe access to the Right of Way must be maintained at all times, and particularly when work is taking place overhead.

KCC Highways

- 5.05 No objection for the following reasons:
- Whilst adopted guidance (SPG4) indicates that up to three additional parking spaces should be provided, this is a maximum figure. In any event, there appears to be no additional land within the site for this purpose.
 - In the absence of additional on-site parking provision there is an increased potential for overspill car parking onto adjoining streets. Empress Riverside Park does not form part of the publicly maintained highway network, but it is noted that the adjacent section of Farleigh Lane has double yellow lines.
 - Given the limited additional parking demand associated with the extension and restrictions in place on Farleigh Lane, an objection on parking grounds is likely to be difficult to sustain.

6. APPRAISAL

The key issues are:

- Character and appearance
- Heritage
- Visual impact
- Residential amenity
- Highways and parking
- Expansion of existing rural businesses
- Flooding
- Biodiversity
- Sustainable construction.

- 6.01 The site is located within the countryside as defined in the adopted local plan. The starting point for assessment of applications in the countryside is Local Plan Policy SP17. Policy SP17 states that development proposals in the countryside will not be permitted unless:
- a) they will not result in harm to the character and appearance of the area and
 - b) they accord with other Local Plan policies.

Character and appearance (policy SP17 a)

- 6.02 Whilst located in the countryside, with the application site in a group of existing buildings the character and appearance of the immediate area is of built development.
- 6.03 With the nearby listed building and bridge and the curtilage listed status of the application building, heritage considerations form an important part of existing character and appearance and in the assessment of the potential impact of the development.

Heritage and design (policies SP18, DM1, DM4 and DM30)

- 6.04 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.
- 6.05 The NPPF (paragraphs 201 and 202) requires the impact on the significance of a designated heritage asset to be assessed as either “substantial harm” or “less than substantial harm” with NPPG guidance setting out that “substantial harm” has a high threshold “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

(left to right) The Maltings, The Works building and East Farleigh bridge (with the application building and River Lodge in the background).



- 6.06 NPPF guidance (paragraphs 199 and 200) states that when assessing the impact of 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 to significance amounts to substantial harm, total loss or less than substantial harm.

6.07 Decision making on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged. This obligation, found in found in sections 16(LBC) and 66(FULL) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1).

6.08 The south east corner of the application building is 12 metres away from the north east corner of the grade II listed former East Farleigh Waterworks. In terms of existing character and appearance the Historic England official listing description of the building is as follows:

*"...Former East Farleigh Waterworks GV II Waterworks, now coachworks and joinery. 1860, by James Pilbrow, in an Egyptian style. Gault brick in English bond. Rectangular. 2 storeys. Coursed stone plinth towards river to south. Battered clasping buttress to each corner, and 2 set close together towards centre of each long side, all running into deep brick plat band under eaves. Rendered coved cornice with deep roll to base and chamfer to top. Low rendered parapet. Truncated projecting brick stack, formerly tall and tapering, filling most of east gable end, with cornice carried round it and bearing the initial "P". Irregular fenestration to south of one small first-floor casement almost filling the narrow central bay and one broad 10- pane window with thin glazing bars to each outer bay of ground floor, all with rendered architraves and deep rendered coved and splayed cornices. 2 inserted 3-light wooden casements. Similar first-floor window to north. First-floor door to left gable end. Single-storey section in a similar style adjoining north-west corner. 2 doorways with rendered coved and splayed ridge cornices flanking base of stack to east. Interior not inspected. (J.S. Curl, *The Egyptian Revival*, 1982)".*

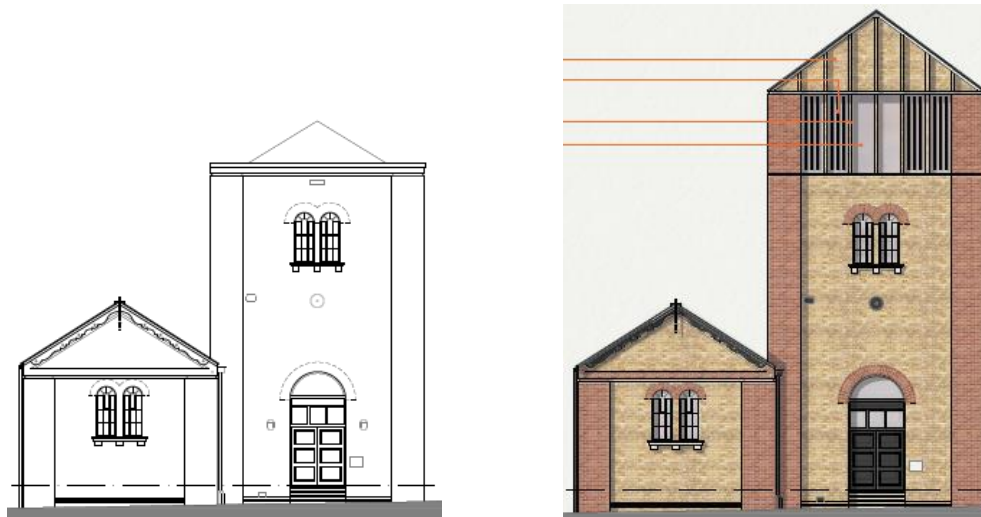
6.09 The conservation officer has highlighted historic photographs which show that the application building previously had an additional storey in place of the existing "strange roof structure. The conservation officer also makes the following points:

- The proposed scheme looks to form a similar scale and form of the lost upper floor and roof structure, but in a contemporary design. This will allow the changes to be clearly visible but reinstate the wider appearance of the building.
- While many industrial buildings are often considered as ugly, or harmful to the more rural setting, they form an important part of our history and development, often forming key buildings within the landscape.
- Solar panels are usually discouraged on listed buildings, but the use of modern technology on a former industrial building continues the ethos of the original building and in this case, the use of solar panels on the curtilage listed building is supported.
- The proposed design is not considered to cause harm to the significance of the curtilage listed building, or the setting of the adjoining designated heritage assets.
- The interior of the building was formed when converted to an office, and has limited significance to the building, and the proposed internal works are considered to cause no harm to the curtilage listed building.

6.10 Whilst allowing for larger amounts of glazing than the original form, the extension design and materials proposed are in keeping with the character of the building reflecting the existing architecture and original scale and form of the building.

- 6.11 The proposed materials respond to the main building on the application site but also introduce modern materials which connect to the new extension to main adjacent listed building The Works. This approach ensures that the connection between the buildings remains.
- 6.12 The proposal would incorporate solar panels to the west elevation. Solar panels on listed buildings are usually discouraged, however the conservation officer does not object to this given the general appearance of the application building.

Existing and proposed south elevations



- 6.13 The scale and design of the proposal is subservient and in keeping with the original building. The proposed scheme would reinstate a similar scale and form of the original upper floor and roof structure and would reflect the historic form of the original building. The proposed design and materials would reflect the architectural style of the host building.
- 6.14 The building extension in terms its scale, height, materials, detailing and articulation is in keeping with the character and appearance of the existing building and responds positively to local character. The extension will have no significant adverse impact on the form, appearance or setting of the building, and will respect the architectural and historic integrity of adjoining buildings. The design and appearance of the extension is in keeping with policies DM1 and DM30.
- 6.15 It is concluded that the extension will lead to 'less than substantial harm' to the significance of the grade II listed The Works building. In these circumstances the NPPF (paragraph 202) advises that "...this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".
- 6.16 The purpose of the extension is to provide additional commercial floorspace for the existing business that occupies the application building. The business employs 17 full time staff and 6 part time staff. Whilst the current application is not intended to increase staff numbers, the applicant has stated "With this additional space, Chord's operation on the site (and the job opportunities available in the company) are safeguarded in the medium and long-term". Enabling the continued commercial occupation of the building and the employment is a public benefit and overall the proposal will result in a positive impact.

- 6.17 Farleigh Lane road bridge over the River Medway is Grade I listed. The road bridge is separated from the application site by The Works building. In this context, it is considered that the current proposal will not harm the significance of the Grade I listed bridge.

Neighbour amenity

- 6.18 Local Plan policy DM1 states that development must “*Respect the amenities of occupiers of neighbouring properties and uses by ensuring 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 nearby properties*”.

Daylight and sunlight

- 6.19 The industry standard best practice guidance for assessing daylight and sunlight impact is published by the Building Research Establishment called “Site Layout Planning for Daylight and Sunlight – A guide to good practice” Third Edition 2022. The applicants have carried out an assessment of potential impact using this best practice, and the conclusions of this assessment has been submitted with the planning application.
- 6.20 The assessment identified potential impact and assessed this impact on the windows in the four neighbouring properties The Malthouse, 1-2 River Lodge and 33 and 34 Riverside Park. The assessment considers the additional building height and the relationship of the buildings in terms of the sun path throughout the day. The application building is to the north of The Malthouse, to the west of 1-2 River Lodge and to the east of 33 and 34 Riverside Park.
- 6.21 After assessment of impact on sunlight, it was found that daylighting provided to windows in neighbouring buildings will be within limits set as being acceptable by BRE guidelines. The assessment concludes that the change in daylight to neighbouring windows will be insignificant and unlikely to be noticed by adjacent occupiers.
- 6.22 The assessment of impact has shown that despite some reductions seen in the number of probable sunlight hours to relevant neighbouring windows (including River Lodge), sunlight hours for neighbouring windows and amenity areas would be within the thresholds that BRE guidelines deem as acceptable.

Privacy and overlooking

- 6.23 The potential impact on privacy and overlooking has been considered in relation to The Malthouse, 1-2 River Lodge and 33 and 34 Riverside Park.
- No.1-2 River Lodge
- 6.24 No.1-2 River Lodge are two storey semi-detached properties located to the east of the application site and fronting Farleigh Lane. Distance of approximately 13m separates the application property from the rear elevation of River Lodge across a parking area shared between the two buildings.
- 6.25 The proposed extension would be situated much higher than the No.1-2 River Lodge and therefore no direct window-to-window views would result and any views that may occur would be oblique. The views available from the proposed extension would also be similar to those available from the existing second-floor windows. It is therefore concluded that no significant loss or privacy or overlooking would result.

- No.1-5 The Malthouse
- 6.26 The Malthouse is 4.6 metres to the south of the application building. In terms of a loss of privacy and overlooking, again the proposed extension would be situated much higher than The Malthouse and therefore no direct window-to-window views would result, and any available views would be oblique. The proposed windows on the third floor would also offer similar views to those available from the existing second-floor windows. It is therefore concluded that no loss of privacy or overlooking would result.
- No.33-34 Riverside Park
- 6.27 No.33-34 Riverside Park are to the west of the application site. They are located approximately 14.3m from the application building and are situated approximately 2.2m higher than the ground level.
- 6.28 In terms of any loss of privacy or overlooking, the proposed windows would offer similar views to those available from the existing second-floor windows and the proposed extension would be situated much higher than both No.33-34 Riverside Park and therefore any views available would be oblique. It is therefore concluded that no significant loss of privacy or overlooking would result.

Construction phase

- 6.29 The impact of construction works on residential amenity has been raised in consultation responses, including the possibility of approved works on the application site and The Works building (20/505875/FULL) taking place simultaneously.
- 6.30 A planning permission can be implemented any time within the 3 years after approval and it would be unreasonable and fail the necessary tests to seek to prevent implementation until works on the neighbouring site have been completed.
- 6.31 Generally potential problems associated with the construction phase , for example, hours of work, noise, dust, and construction vehicles are also not planning considerations. In this instance, given the unique circumstances with multiple planning permissions and the current efficient use of application site land, a planning condition is justified requesting the submission of a construction management plan.
- 6.32 Overall, the proposals would not result in a significant harm to neighbouring residential amenity that would warrant a refusal. The applicant states "*The operations carried out on the site by Chord will change and, as such, these proposals would have no additional effects in terms of noise and other general amenity impacts*".

Access, servicing parking, traffic, and highway safety

- 6.33 The application building currently provides 381 square metres of floorspace and the extension will add 70 square metres (total of 451 square metres). The applicant has stated that proposed extension will allow the floorspace to operate more effectively but the extension will not increase the level of existing employment on the site (17 full time jobs and 6 part time staff).

Access, servicing, and trip generation

- 6.34 Local Plan policy DM 1 states that proposals will be permitted, where they can safely accommodate the associated vehicular and pedestrian movement on the local highway network and through the site access.

- 6.35 In relation to trip generation, the applicant has advised:
- The application will not increase the amount of people employed on the site. The development is to allow for additional internal space for meetings and training and will not result in additional staffing numbers.
 - The development will not result in additional visitors coming to the site. Visitors currently come to the site to view and listen to audio products, albeit, at present, there is not a designated room to host visitors. The proposed developments will not make visitor trips more frequent but will provide a dedicate space to showcase products.
- 6.36 Consultation comments refer to potential future changes on the application site, the current application must be assessed based on the impact of the current proposal.
- 6.37 The absence of a Travel Plan has been questioned in consultation responses. Travel Plans are normally required for non-residential development providing more than 1,000 square metres. The current application is significantly below this threshold providing 70 square metres.
- 6.38 The proposal will use the existing vehicle access. The existing access has been assessed in relation to its anticipated level of use, its width, driver sight lines and the future servicing of the accommodation and is considered suitable.
- This requirement was conditioned to planning permission 20/505875 to convert The Works and has yet to be met, so I would have thought it would have accompanied this proposal.

Car and cycle parking

- 6.39 Local Plan policy DM 23 states that the car parking for non-residential uses will consider the following:
- The accessibility of the development and availability of public transport.
 - The type, mix and use of the development proposed, and
 - Whether development proposals exacerbate on street car parking to an unacceptable degree.
- 6.40 The application site is in East Farleigh. Following the 2021 assessment of population, village services and facilities across the borough the local plan review recommends that East Farleigh is designated as a 'larger village' (sustainability location hierarchy of urban area-rural service centre-larger villages). The local plan review advises that in East Farleigh "*There are a moderate number of services and light industrial sites in and around the settlement, there is a primary school in the southern part of the village*".
- 6.41 The application site is immediately adjacent to the public transport offered by East Farleigh Railway Station (connections to Maidstone town centre, Paddock Wood, Tonbridge and the Medway Towns). A nearby riverside footpath provides pedestrian and cycle access to Maidstone. Whilst the accessibility issues caused by the nearby single track grade I listed road bridge are acknowledged, the application provides a modest level of additional floorspace and does not involve any additional employees on the site.
- 6.42 Car parking standards for non-residential uses are set out in Supplementary Planning Guidance SPG 4 Kent Vehicle Parking Standards July 2006. In terms of the proposed floorspace, the guidance states that a maximum (not minimum) or up to three additional car parking spaces should be provided.

- 6.43 There is no available space on the application site for any additional parking car parking. The nearby vehicle access to Empress Riverside Park (residential estate of 36 park homes) is gated, with the estate also not part of the publicly maintained highway network. The section of Farleigh Lane close to the application site has double yellow lines. The East Farleigh Railway Station car park is located close to the application site, the 35 spaces are available for non-rail passengers.
- 6.44 There is no space available on the application site for any cycle parking in the open areas of the site and in the context of no new staff or customer trips resulting from the proposal the lack of cycle parking is acceptable.
- 6.45 The NPPF states "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (Paragraph 111)*".
- 6.46 It is concluded that the impact of the application on highway safety will be acceptable and the impact on the road network will not be 'severe'. The impact of the proposal is found to be acceptable for the following reasons:
- The application involves a modest level of additional floorspace which is ancillary and does not involve any additional staff or customer trips.
 - Parking standards are set as maximum and there is no available space on the site for additional parking.
 - On street parking is restricted on Farleigh Lane with double yellow lines but the railway station car park is nearby.
 - The application has been assessed by the highways authority and they raise no objection.
- 6.47 Local Plan policy DM1 sets out that new development should provide adequate vehicular and cycle parking to meet adopted council standards, encouraging good access routes.

Expansion of existing rural businesses (policy DM37)

- 6.48 Policy DM37 of the Local Plan allows the expansion of existing rural businesses in rural areas subject to the criteria listed below. Each criteria is followed by comment.
- i) *New buildings are small in scale and provided the resultant development as a whole is appropriate in scale for the location and can be satisfactorily integrated into the local landscape.*
- 6.49 The current proposal relates to an extension of part of the application building and not a new building. The assessment above concludes that the extension is appropriate in scale for the location and will be integrated into the area.
- ii) *The increase in floorspace would not result in unacceptable traffic levels on nearby roads or a significant increase in use of an existing substandard access.*
- 6.50 As set out above, the proposal has been found to be acceptable in relation to traffic and travel impact.
- iii) *The new development, together with the existing facilities, will not result in an unacceptable loss in the amenity of the area. In particular the impact on nearby properties and the appearance of the development from public roads will be of importance; and*
- 6.51 As set out above, the proposal has been found to be acceptable in relation to amenity impact.

iv) No open storage of materials will be permitted unless adequately screened from public view throughout the year.

- 6.52 There is no space available on the application site for open storage and a condition is recommended that requires the parking spaces to be retained.

Flooding

- 6.53 The application site is situated within flood zones 2 and 3. The submitted flood risk assessment states that it can be demonstrated that the development proposal is compatible with the predicted flood risk profile.
- 6.54 Furthermore, it states that the proposed development is not predicted to increase the risk of flooding to others over the development lifetime and it is therefore concluded that with regards to the Flood Risk requirements of the NPPF, the development proposals are acceptable.
- 6.55 Considering this and the nature of the proposal, whereby it would not be adding any ground floor accommodation or staff, the proposal would not result in any issues in terms of flood risk.

Biodiversity

- 6.56 Local Plan policy DM3 states: "To enable Maidstone borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the natural environment ...where appropriate development proposals will be expected to appraise the value of the borough's natural environment through the provision of...an ecological evaluation of development sites...to take full account of the biodiversity present, including the potential for the retention and provision of native plant species".
- 6.57 The proposal would not result in the need for further ecological surveys, and there are no protected species which would be at risk. Policy DM1, DM3 and the NPPF do however all promote ecological enhancement. With the nature and extent of the proposals a condition is recommended seeking integral biodiversity enhancements.

Sustainable construction

- 6.58 The Parish Council have referred to the BREEAM standards. Policy DM2 of the Local Plan states that BREEAM standards (for non-residential development - includes measures on water consumption) should only be applied where technically and financially viable.
- 6.59 The current application is not for a new building but for an modest extension to an existing building and in these circumstances it would not be technically possible or financially viable to seek BREEAM compliance. (min area as a rule of thumb to be viable would be 500 square metres and the current proposal is 70 square metres).

PUBLIC SECTOR EQUALITY DUTY

- 6.60 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 the proposed erection of a third floor to create additional business space 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 proposed developments is 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.

- 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:
Proposed Second Floor Plan – Drawing No. 348(P)033 Rev 1 – Received 27/02/2023
Proposed Third Floor Plan – Drawing No. 348(P)034 Rev 2 – Received 27/02/2023
Proposed Roof Plan – Drawing No. 348(P)035 Rev 1 – Received 27/02/2023
Proposed South Elevation – Drawing No. 348(P)040 Rev 4 – Received 27/02/2023
Proposed East Elevation – Drawing No. 348(P)041 Rev 3 – Received 27/02/2023
Proposed North Elevation – Drawing No. 348(P)042 Rev 4 – Received 27/02/2023
Proposed West Elevation – Drawing No. 348(P)043 Rev 4 – Received 27/02/2023
Proposed Section AA – Drawing No. 348(P)045 Rev 1 – Received 27/02/2023
Proposed Site Plan – Drawing No. 348(P)003 Rev 1 – Received 08/03/2023v
Reason: To clarify which plans have been approved.
- 3) No development shall take place until a Construction Management Plan for the site has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include the following details-
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (e) Temporary traffic management / signage
 - (f) Measures to control dust.The construction works shall proceed only in accordance with the approved Construction Management Plan.
Reason: In the interests of residential amenity and highway safety
- 4) Prior to first occupation of the approved accommodation measures taken for the on-site enhancement of biodiversity shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the enhancement of biodiversity through integrated methods into the design and appearance of the building structure (where possible) by means such as swift bricks, bat tube or bricks and additionally through provision within the site curtilage of measures such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. All features shall be maintained permanently thereafter.
Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.
- 5) No external work shall take place on the building until details (manufacturer name, product name, and photographs) of the external facing materials to be used for the extension 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 and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development.

- 6) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors and the sensitive landscape location. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of amenity and wildlife.

- 7) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of the approved dwelling and maintained thereafter.

Reason: To ensure an energy efficient form of development.

- 8) The vehicle parking spaces and turning facilities as shown on the submitted plans shall be permanently retained for parking and turning and shall not be used for any other purpose.

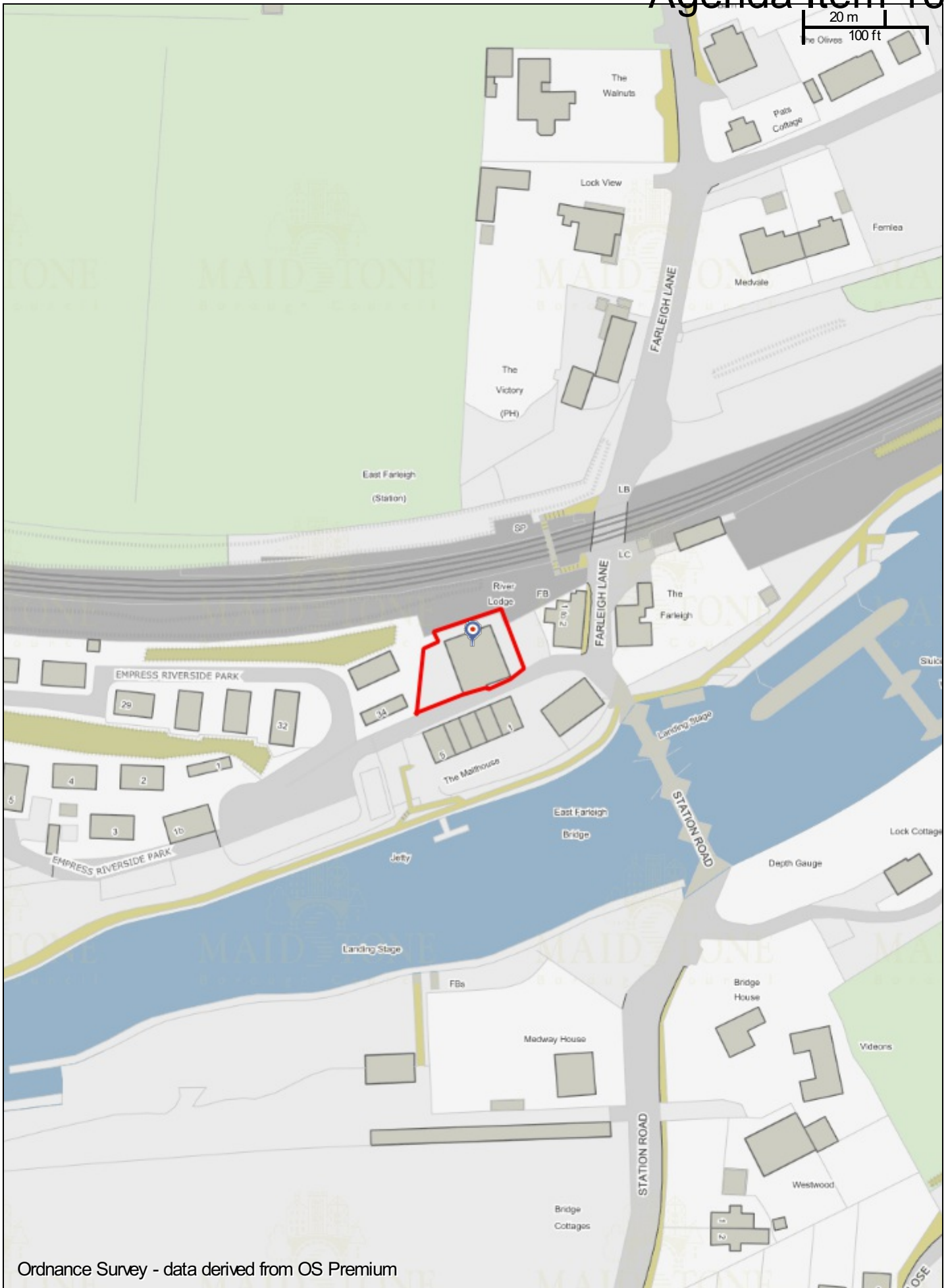
Reason: In the interest of highways safety and parking provision.

- 9) The extension hereby permitted shall not be occupied until the following have been submitted to, and approved in writing by, the local planning authority

- details of measures to be put in place to encourage the use of sustainable (non-private vehicle) modes of travel for staff and customers,
- details of measures to be put in place to prevent adjacent parking spaces being used as vehicle turning areas.

The approved measures shall be in place prior to the first use of the approved extension hereby permitted and thereafter retained permanently.

Reason: Due to the limited parking provision and to promote more sustainable methods of travel.



Ordnance Survey - data derived from OS Premium

23/501009/FULL & 23/501008/LBC Chord Electronics Ltd, The Old Pump House, Farleigh Bridge, East Farleigh, Maidstone, Kent

Scale: 1:1250

REPORT SUMMARY

REFERENCE NO: 23/501008/LBC		
APPLICATION PROPOSAL: Listed Building Consent for erection of a third floor to create additional business space.		
ADDRESS: Chord Electronics Ltd, The Old Pump House Farleigh Bridge East Farleigh Maidstone Kent ME16 9NB		
RECOMMENDATION: GRANT LISTED BUILDING CONSENT- subject to the planning conditions set out in Section 8.0 of the report.		
SUMMARY OF REASONS FOR RECOMMENDATION: There is no significant harm to the appearance and setting of the curtilage listed building, or the setting of the adjoining designated heritage assets. The proposal complies with local and national planning policies and is recommended approval.		
REASON FOR REFERRAL TO COMMITTEE: Call in from Cllr Gooch to allow committee discussion on sunlight and daylight car parking and residential amenity.		
WARD: Barming And Teston	PARISH/TOWN COUNCIL: Barming	APPLICANT: Chord Electronics. AGENT: DHA Planning
CASE OFFICER: Chloe Berkhauer-Smith	VALIDATION DATE: 23/03/23	DECISION DUE DATE: 30/06/23
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

89/2153 : Alterations renovation and refurbishment of existing building plus demolition of some existing buildings Approved 06.06.1990

89/2159 : Demolition of single storey to 'The Egyptian Building' and subsequent renovation alteration and refurbishment Approved 17.07.1990

90/1292 : The carrying out of the development permitted by planning permission MA/89/2153W without complying with condition (xiii) (hours of work).Approved 02.11.1990

90/1345 : Amendment to fenestration of west elevation of building formerly known as Egyptian Building. Approved 15.10.1990

90/1362 : Listed Building Consent for amendment to fenestration of west elevation of building formerly known as Egyptian Building. Approved 15.10.1990

96/0788 : Change of use and conversion of existing buildings to provide three no. dwellings with associated parking and amenity areas Approved 03.12.1996

96/1087 : Conversion of existing buildings to form 3 no. dwellings with associated parking areas Approved 02.10.1996

96/1517 : Listed Building Consent application for alterations internally and externally including new fenestration staircases garage doorway and velux rooflights Approved 31.01.1997

96/1559 : Alterations and insertion of additional first floor to existing workshop including insertion of garaging doorway Approved 31.01.1997

97/0655 : Listed Building Consent for the insertion of 3 rooflights Approved 31.07.1997

97/1135 : Advertisement consent application to install a wall mounted sign to east elevation Approved 24.09.1997

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is in the countryside as defined in the Local plan. The site is in an area of built development between the River Medway in the south, and the railway line and East Farleigh Railway Station in the north. The applicant reports "*The whole complex was converted in the 1990s to provide office accommodation and new housing to the west following a period of dereliction*".
- 1.02 The single track vehicle access from Farleigh Lane is shared with Empress Riverside Park. Empress Riverside Park located to the west consists of a gated residential estate of 36 park homes. Empress Riverside Park plots 34 and 35 are closest to the application site. The single storey timber clad building called The Malthouse to the south of the application site provides 5 dwellings.
- 1.03 The former waterworks building (known as The Works) built in stock brick is to the south east of the application site (east of The Malthouse) and is Grade II Listed. Permission was granted in 2019 for the conversion of first floor office space into a single self-contained flat (19/500694/FULL), with self-contained office space at ground floor. Permission was granted in August 2021 for alterations to fenestration and doors, creation of rear steps to balconies and erection of second floor roof extension to provide additional office space (20/505875/FULL).
- 1.04 The Works is at the northern end of the East Farleigh Station Road bridge which is Grade I Listed. To the north of The Works and east of the application site is a terrace of two storey brick houses fronting Farleigh Lane (No's 1 and 2 River Lodge)
- 1.05 Immediately to the north of the application site is a railway embankment with the railway track at a higher level. There is a general rise in ground level when travelling north away from the site on Farleigh Lane and a slight fall in ground level from the east to the west across the site.
- 1.06 The building on the application site is constructed in yellow brick with red brick detailing including curved brick window lintels and piers. The application building is curtilage listed due to its relationship with Grade II The Works building with a separate application for listed building consent on this committee agenda. The application building is provided with 8 off street car parking spaces, with two spaces to the east side of the building and the remainder on the west side.
- 1.07 The application building is currently used as a business space for Chord Electronics who are a designer and manufacturer of high-end HiFi electronics.

2. PROPOSAL

- 2.01 This Listed Building Consent application seeks consent for erection of a third floor to create additional business space.
- 2.02 The proposed extension would have the same width and depth of the main building which is approximately a width of 7m and depth of 14.7m. The proposed extension

would raise the height of the building resulting in an eaves height of approximately 13m and a ridge height of 15.7m.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

SP18 - Historic Environment

DM1 - Principles of good design

DM4 - Development affecting designated and non-designated heritage assets

DM30 - Design principles in countryside

Maidstone Borough Council – Local Plan Review

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 (Stage 1 hearings concluded and stage 2 hearings due to start on the 15 May 2023).

LPRSP14(B) - Historic environment

LPRSP15 – Principles of good design

LPRENV1 - Historic environment

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

4. LOCAL REPRESENTATIONS

4.01 **Local residents:** 5 representations received from local residents raising the following (summarised) issues:

- Overshadowing
- Traffic and parking
- Loss of privacy
- Drainage concerns

The nuisance resulting from construction works is not a material planning consideration and therefore cannot be considered in the determination of this application. The other matters raised by neighbours and other objectors are discussed in the detailed assessment below.

Councillor Gooch

4.02 A decision on this application should be made by the Planning Committee and not through the delegated procedures to balance benefits against harm and for the following reasons:

- I urge officers to revisit the Daylight and Sunlight assessment on 1-2 River Lodge, which will be dwarfed by this proposal. The degree of separation between the two buildings (The Old Pump House and River Lodge) is not sufficiently reasonable, consequently the impact on River lodge will be inescapable all year round, particularly during winter months when the sun is at its lowest in the sky and daylight hours are shortest.
- Just as for the yet-to-be-completed conversion of The Works, parking is still totally inadequate with no turning space on this narrow site. No additional parking is provided, I would suggest because there isn't any more to be had on site. The private car parking spaces to 1-2 River Lodge are frequently used as turning spaces causing angst and disturbing the quality of life and environmental amenity of the residents.
- Local residents' local amenity, enjoyment of the locality and quality of life - particularly that of 1-2 River Lodge - is already impeded by the ongoing noise and disturbance, mess and dust of ongoing conversion works to The Works. If planning permission were to be granted, I request that a condition be imposed to preclude commencement of this proposal until completion of The Works conversion 20/505875.

- This proposal may well generate more visits and in time maybe more jobs, yet no travel plan has been submitted to discourage parking on site or to encourage use of sustainable transport. This requirement was conditioned to planning permission 20/505875 to convert The Works and has yet to be met, so I would have thought it would have accompanied this proposal.

Barming Parish Council

- 4.03 Support this application, but have the following concerns:
- There is no transport policy to encourage the use of bicycles/trains to get to the site (bicycle station etc),
 - Not enough environmental improvements have been considered (rain water catchers and highest BREEAM standards) and
 - Concern about future parking pressures.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

MBC Conservation Officer

- 5.01 No objection and recommend approval for reasons set out in the assessment later in this report.

6. APPRAISAL

The key issues are:

- Heritage and design

Heritage and design (policies SP18, DM1, DM4 and DM30)

- 6.01 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.
- 6.02 The NPPF (paragraphs 201 and 202) requires the impact on the significance of a designated heritage asset to be assessed as either "substantial harm" or "less than substantial harm" with NPPG guidance setting out that "substantial harm" has a high threshold "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".
- 6.03 NPPF guidance (paragraphs 199 and 200) states that when assessing the impact of 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 to significance amounts to substantial harm, total loss or less than substantial harm.
- 6.04 Decision making on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged. This obligation, found in found in sections 16(LBC) and 66(FULL) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1).

- 6.05 The south east corner of the application building is 12 metres away from the north east corner of the grade II listed former East Farleigh Waterworks. In terms of existing character and appearance the Historic England official listing description of the building is as follows:

"...Former East Farleigh Waterworks GV II Waterworks, now coachworks and joinery. 1860, by James Pilbrow, in an Egyptian style. Gault brick in English bond. Rectangular. 2 storeys. Coursed stone plinth towards river to south. Battered clasping buttress to each corner, and 2 set close together towards centre of each long side, all running into deep brick plat band under eaves. Rendered covered cornice with deep roll to base and chamfer to top. Low rendered parapet. Truncated projecting brick stack, formerly tall and tapering, filling most of east gable end, with cornice carried round it and bearing the initial "P". Irregular fenestration to south of one small first-floor casement almost filling the narrow central bay and one broad 10- pane window with thin glazing bars to each outer bay of ground floor, all with rendered architraves and deep rendered covered and splayed cornices. 2 inserted 3-light wooden casements. Similar first-floor window to north. First-floor door to left gable end. Single-storey section in a similar style adjoining north-west corner. 2 doorways with rendered covered and splayed ridge cornices flanking base of stack to east. Interior not inspected. (J.S. Curl, The Egyptian Revival, 1982)".

- 6.06 The conservation officer has highlighted historic photographs which show that the application building previously had an additional storey in place of the existing "strange roof structure. The conservation officer also makes the following points:
- The proposed scheme looks to form a similar scale and form of the lost upper floor and roof structure, but in a contemporary design. This will allow the changes to be clearly visible but reinstate the wider appearance of the building.
 - While many industrial buildings are often considered as ugly, or harmful to the more rural setting, they form an important part of our history and development, often forming key buildings within the landscape.
 - Solar panels are usually discouraged on listed buildings, but the use of modern technology on a former industrial building continues the ethos of the original building and in this case, the use of solar panels on the curtilage listed building is supported.
 - The proposed design is not considered to cause harm to the significance of the curtilage listed building, or the setting of the adjoining designated heritage assets.
 - The interior of the building was formed when converted to an office, and has limited significance to the building, and the proposed internal works are considered to cause no harm to the curtilage listed building.
- 6.07 The complex was formed of different architectural styles, and the host building has a strong Neo-Romanesque style. Whilst allowing for larger amounts of glazing than the original form, the extension design and materials proposed are in keeping with the character of the building reflecting the existing architecture and original scale and form of the building.
- 6.08 The proposed materials respond to the main building on the application site but also introduce modern materials which connect to the new extension to main adjacent listed building The Works. This approach ensures that the connection between the buildings remains.
- 6.09 The proposal would incorporate solar panels to the west elevation. Solar panels on listed buildings are usually discouraged, however the conservation officer does not object to this given the general appearance of the application building.

- 6.10 The scale and design of the proposal is subservient and in keeping with the original building. The proposed scheme would reinstate a similar scale and form of the original upper floor and roof structure and would reflect the historic form of the original building. The proposed design and materials would reflect the architectural style of the host building.
- 6.11 The building extension in terms its scale, height, materials, detailing and articulation is in keeping with the character and appearance of the existing building and responds positively to local character. The extension will have no significant adverse impact on the form, appearance or setting of the building, and will respect the architectural and historic integrity of adjoining buildings. The design and appearance of the extension is in keeping with policies DM1 and DM30.
- 6.12 It is concluded that the extension will lead to 'less than substantial harm' to the significance of the grade II listed The Works building. In these circumstances the NPPF (paragraph 202) advises that *"...this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*.
- 6.13 The purpose of the extension is to provide additional commercial floorspace for the existing business that occupies the application building. The business employs 17 full time staff and 6 part time staff. Whilst the current application is not intended to increase staff numbers, the applicant has stated *"With this additional space, Chord's operation on the site (and the job opportunities available in the company) are safeguarded in the medium and long-term"*. Enabling the continued commercial occupation of the building and the employment is a public benefit and overall, the proposal will result in a positive impact.
- 6.14 Farleigh Lane road bridge over the River Medway is Grade I listed. The road bridge is separated from the application site by The Works building. In this context, it is considered that the current proposal will not harm the significance of the Grade I listed bridge.
- 6.15 The representations received from neighbouring properties have been discussed within the accompanying FULL application regarding neighbouring residential amenity.

7. CONCLUSION

- 7.01 For the reasons outlined above, I do not consider there to be significant harm to the appearance and setting of the curtilage listed building, or the setting of the adjoining designated heritage assets. The proposal is therefore considered to comply with local and national planning policies and is recommended approval.

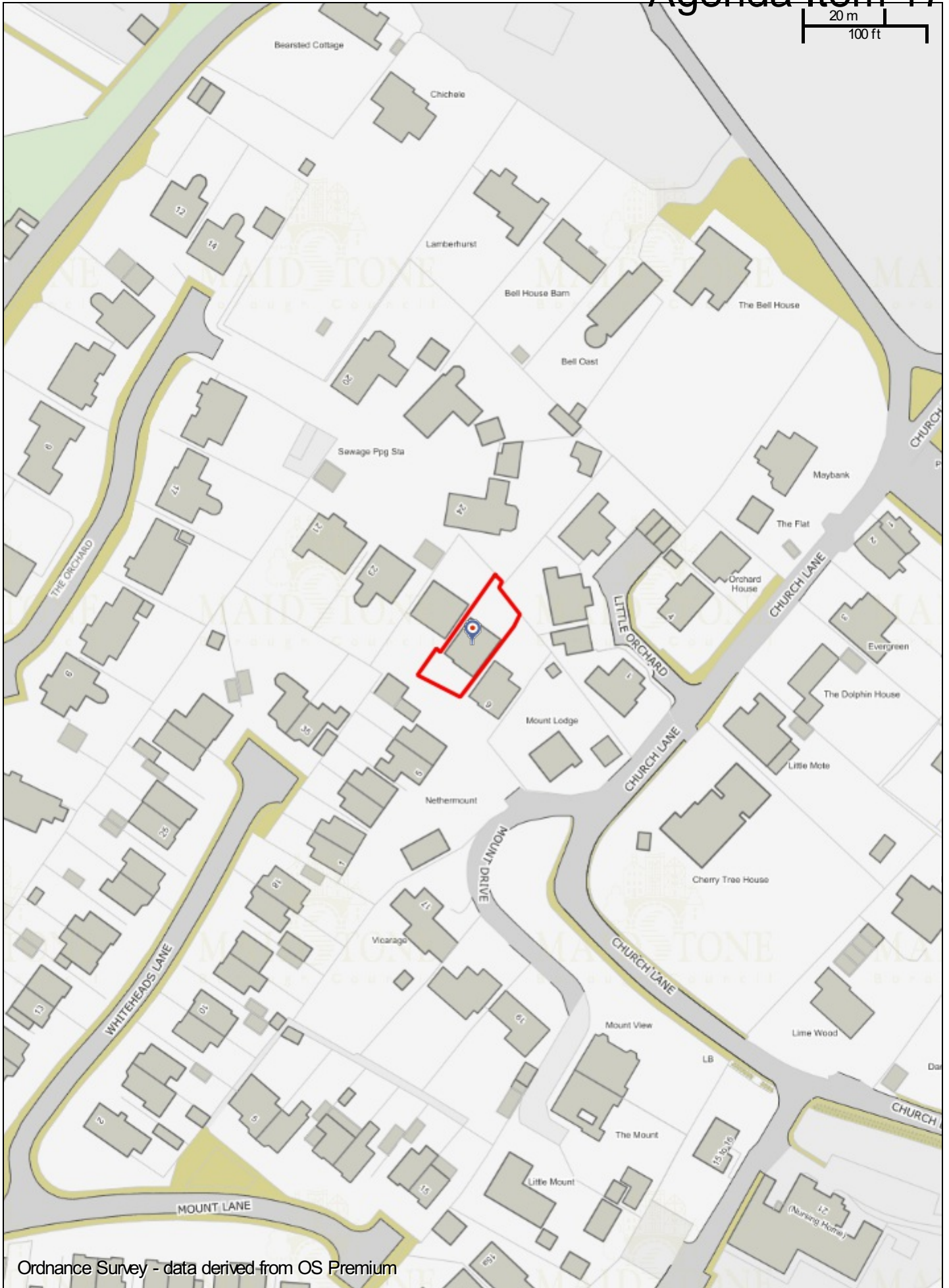
8. RECOMMENDATION GRANT LISTED BUILDING CONSENT subject to the following conditions with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

- 1) The works to which this consent relates must be begun before the expiration of three years from the date of this consent.
Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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:
Proposed Second Floor Plan – Drawing No. 348(P)033 Rev 1 – Received 27/02/2023

Proposed Third Floor Plan – Drawing No. 348(P)034 Rev 2 – Received 27/02/2023
Proposed Roof Plan – Drawing No. 348(P)035 Rev 1 – Received 27/02/2023
Proposed South Elevation – Drawing No. 348(P)040 Rev 4 – Received 27/02/2023
Proposed East Elevation – Drawing No. 348(P)041 Rev 3 – Received 27/02/2023
Proposed North Elevation – Drawing No. 348(P)042 Rev 4 – Received 27/02/2023
Proposed West Elevation – Drawing No. 348(P)043 Rev 4 – Received 27/02/2023
Proposed Section AA – Drawing No. 348(P)045 Rev 1 – Received 27/02/2023
Proposed Site Plan – Drawing No. 348(P)003 Rev 1 – Received 08/03/2023
Reason: To clarify which plans have been approved.

- 3) No external work shall take place on the building until details (manufacturer name, product name, and photographs) of the external facing materials to be used for the extension 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 and maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development.

- 4) No works shall take place until detailed drawings at a suggested scale of 1:5 of all new external and internal joinery work and fittings together with sections through glazing bars, frames and mouldings have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interest of the special architectural or historic interest of the listed building.



Ordnance Survey - data derived from OS Premium

22/504433/FULL 8 Nethermount, Bearsted, Maidstone, Kent, ME14 4FE

Scale: 1:1250

Printed on: 13/6/2023 at 8:37 AM by JoannaW



REPORT SUMMARY

REFERENCE NO: - 22/504433/FULL		
APPLICATION PROPOSAL: Retrospective application for the replacement and reconfiguration of patio to the rear of the house with proposed privacy screen; the erection of a gazebo with surrounding decking; the erection of an orangery; and the part conversion of the integral garage to a utility room and WC (Resubmission of 22/500345/FULL).		
ADDRESS: 8 Nethermount Bearsted Maidstone Kent ME14 4FE		
RECOMMENDATION: Grant Permission subject to conditions set out in 8.0.		
SUMMARY OF REASONS FOR RECOMMENDATION: Subject to conditions being imposed with regard to the provision and retention of the proposed privacy screening, the development complies with the relevant development plan policies.		
REASON FOR REFERRAL TO COMMITTEE: The application has been called in by Councillor Springett for the reasons set out in the 5.0 of the report		
WARD: Bearsted	PARISH/TOWN COUNCIL: Bearsted	APPLICANT: Mr Tim Croom AGENT: Kent Planning Consultancy Ltd
CASE OFFICER: Georgina Quinn	VALIDATION DATE: 27/10/22	DECISION DUE DATE: 06/07/2023
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

22/500345/FULL Retrospective application for the replacement and reconfiguration of patio to the rear of the house with proposed privacy screen; the erection of a gazebo with surrounding decking; the erection of an orangery; and the part conversion of the integral garage to a utility room and WC - Refused 30.06.2022

13/1795 - Loft conversion with dormer window to rear elevation, and rooflights to front and side elevations as shown on drawing numbers 368-01, 368-02, 368-03, 368-04, 368-05, 368-08 and 368-09 received 21st October 2013 - Approved 16.12.2013

13/1560 - An application for a Certificate of Lawfulness for a Proposed Development being the introduction of rooflights to front and side elevations and rear dormer Refused 26.09.2013

09/2222 - Part retrospective planning permission for construction of timber decking, raising of ground levels and erection of 2.4m fencing and trellis to plots 1, 2 and 3 as shown on drawing no.s P108/PL/19A, 1433/2c received on 4 December 2009 and a site location plan and letter received on 11 December 2009 - Approved 04.02.2010

08/1183 - Amendments to approved scheme MA/07/0152 for the erection of three detached houses and six semi-detached houses with associated garaging - Approved 01.08.2008

07/0152 - Erection of three detached houses and six semi-detached houses with associated garaging - Approved 19.06.2007

Enforcement History:

21/500972/OPDEV - Enforcement Enquiry - Pending Consideration

Appeal History:

An appeal was lodged in relation to the refusal of application 22/500345/FULL, however the Planning Inspectorate did not receive all of the necessary documents from the Appellant within the required timeframe and therefore the appeal submission could not be validated.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site comprises a detached house located to the north-eastern side of Nethermount. The land levels fall heading to the north-east and consequently, the rear garden is on a lower level than the floor level of the dwelling and continues to drop towards the boundary with 2 Little Orchard to the rear. The dwelling has previously been the subject of a loft conversion and orangery extension as well as internal and external alterations to convert part of the integral garage to a utility room and WC.
- 1.02 Nethermount is located within Bearsted and is a relatively new development of 9 houses located to the north-west of Church Lane.

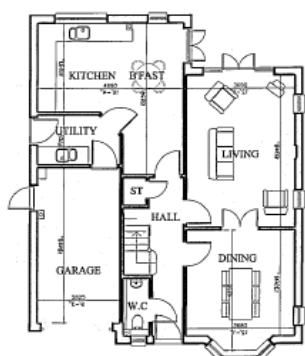
2. PROPOSAL

- 2.01 This application represents a resubmission following the refusal of application 22/500345/FULL in July 2022 which was made in response to an enforcement investigation regarding the construction of a raised patio and alterations to an existing orangery as well as the addition of a gazebo structure in the rear garden. The application was presented to the Planning Committee on 23.06.2022 and was refused by Members for the following reason:

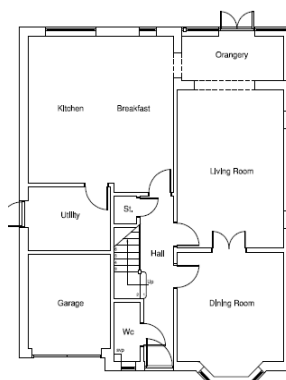
Without adequate screening, the extended deck, by virtue of its rearward projection and height results in a loss of privacy to No.8. The proposed privacy screen by virtue of its height in relation to the neighbouring site and position on the boundary would be overbearing resulting in a loss of amenity contrary to Policy DM1 of the adopted Maidstone Local Plan 2017 (NB The impact relates to no.9, the reference to no.8 is a typing error. An additional note to explain this has been added to the file).

- 2.02 The original planning consent for the housing development at Nethermount included a condition that withdrew householder permitted development rights under classes A to E; as well as the right to erect any fences, walls and/or gates. There was also a restrictive condition added in relation to the parking spaces detailed on the approved plans in that they must remain available for such use at all times. By virtue of these constraints, it transpired during the assessment of the initial submission made under reference 22/500345/FULL that the orangery addition, and alterations to the original integral garage to form a utility room and WC should have had the benefit of planning consent. To regularise matters, these items were also added to the planning application. The reason for the refusal of application 22/500345/FULL did not cite the garage conversion; orangery; or gazebo but as such, these elements do not currently benefit from express planning consent.
- 2.03 Accordingly, the present submission seeks to regularise all of these matters, i.e. the conversion of the garage; orangery extension; garden gazebo structure; and the raised patio area, including an alternative means of privacy screen to the previous scheme.

2.04 As originally approved (figure 1), 8 Nethermount had an irregular footprint to the ground floor and according to the evidence provided by the applicant, the previous owners of the house constructed an orangery extension in 2012 to effectively 'square - off' the ground floor. Internal alterations were also made in 2011 to enlarge the kitchen and reposition the utility room within the garage area (Figure 2)



Original Layout (Figure 1)



Layout Following Orangery Extension and garage alterations (Figure 2)

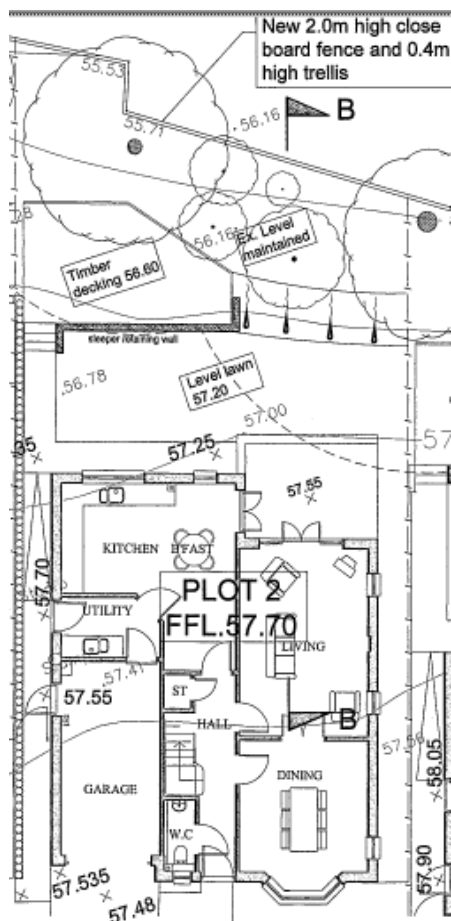
2.05 Further alterations were then carried out to relocate the downstairs WC to within the former garage space, including the insertion of a small window. A storage area is retained to the front together with the garage doors to the front elevation of the dwelling (figure 3).



(Figure 3)

2.06 In terms of the raised patio, given the land level differences in the rear garden, the original design of the dwellings in this part of Nethermount incorporated a patio and stepped access down to the main garden areas (approved as an amendment to the original scheme under reference 09/2222). The construction of the orangery at no.8 had reduced the patio space and the current occupants of the dwelling wished to increase its size. Consequently, the area to the rear of the orangery was replaced and enlarged in length and width.

2.07 The original area projected approximately 1.5m from the rear elevation of the orangery and incorporated steps into the rear garden (Figure 4)



(Figure 4)

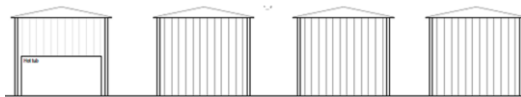


(Figure 5)

- 2.08 The sales history of the property that are available online indicate that the rear elevation of the dwelling appeared as follows in May 2018 (Figure 5)
- 2.09 The new patio addition has a depth of approximately 2.3m and is positioned adjacent to the boundary fence with no.9. The height at approximately 1.4m from the garden level aligns with the floor level of the dwelling. A glazed balustrade of approximately 1.1m in height is also proposed along the end of the patio. The original patio incorporated steps into the garden to the north-eastern elevation and these have been repositioned to the north-western elevation. The orangery addition has also been altered to incorporate glazed bi-folding doors across the rear elevation leading onto the patio as well as amendments to the design of the window on the flank elevation facing the boundary with no.9 Nethermount. Due to the higher ground levels in the garden for the application property when compared to no.9 (the adjacent property to the east) it is proposed to erect a solid timber privacy fence along this side to the same length as the highest part of the patio. This is detailed as being 1.8m in height topped with a trellis of 0.3m bringing the total height to 2.1m. The submitted plans indicated that the fence will be directly adjacent to the existing boundary fence (which belongs to no.9) but will be constructed independently.



- 2.10 The gazebo addition has been constructed at the end of the rear garden to house a hot tub. The ground immediately adjacent to the gazebo has been surfaced with decking. The structure has a height to eaves of approximately 1.9m and a maximum height of 2.15m. The building is 2.3m in width and 2.3m in depth. The exterior walls are finished in timber. The gazebo is open to the elevation facing into the garden and is used to house a hot tub.



(Figure 7)

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

Policy DM1 – Principles of Good Design;

Policy DM9 – Residential Extensions, Conversions and Redevelopment within the Built Up Area;

Policy DM23 – Parking Standards;

Maidstone Borough Council Draft Local Plan Review (Regulation 22):

Policy LPRSP15 – Principles of Good Design;

Policy LPRHOU 2 - Residential extensions, conversions, annexes and redevelopment in the built-up area;

Policy LPRTRA4 – Assessing the Transport Impacts of Development

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Supplementary Planning Documents: Residential Extensions (2009)

4. LOCAL REPRESENTATIONS

Local Residents: The consultations on the initial submission attracted representations from one neighbouring property, no.9 Nethermount, which raised the following (summarised) objections:

- When referring to decking, the comments relate to the decking extending from the conservatory and not the decking built adjacent the gazebo;
- We request that the decking adjacent to the house at no.8 be removed or lowered to an acceptable level and also request that no development take place within 1.0m of the boundary fence and any such unlawful construction be removed;
- The proposed amendments to the refused scheme set out do not overcome the substantive reason for refusal in the previous scheme relating to the unacceptable impact on the neighbouring amenities;
- The height of the proposed screen, its solid appearance, notwithstanding the trellis on top, will appear unacceptably dominating and overbearing, it will affect our immediate outlook from the garden and house;
- The proposed fence (screen) is higher than the previous application which was refused. It would measure a total height of 3.1m from the ground level of no.9;
- We do not have an issue with the garage conversion or gazebo, we question why the applicants wished to build raised decking;
- We do not have an issue with the conservatory itself, but we do have an issue with the definition of the original patio slab which has been raised and extended sideways to our boundary fence;
- Elements of the submitted plans are inaccurate and could be misleading;
- The suggestion of an additional fence with trellis and planting is merely a sticking plaster to the original issue, as it will not address noise issues nor provide privacy to/from our entire garden;
- The proposals do not comply with the requirements of Maidstone Borough Local Plan Policies DM1 and DM11 and the original removal of PD Rights demonstrates that there were valid reasons for doing so as this is a requirement of the NPPF (paragraph 54);
- The statement supporting the application is inaccurate in the references to application 09/2222 as this relates to the rear boundary fence only and there are also inaccurate references to the original slab levels;
- When the houses were originally built, there was circa 1m between the side of the house and the boundary fence that was lower than the level of the original patio. Therefore, there was no issue of overlooking. When the conservatory was built in 2017, this reduced the area to around 0.9m which was not enough space to permit socialising;
- The construction of the decking against the fence (without any gap) does not permit any future essential maintenance and the proposed privacy fence will also prevent access;
- The boundary length is considerably shorter than shown on the plans meaning that the raised decking runs two thirds of the way along our boundary, reiterating the lack of privacy over a high percentage of our smaller garden;
- The height of the decking measured from the ground level of no.9 will be at least 3.1m, add to this the proposed (unspecified) planting, could result in heights of 3.5m to 5m and could constitute a high hedge. There is a lack of detail and specific information of the proposed planting should be part of the consultation;
- Upon our objection being upheld, we request that the decking at no.8 be removed or lowered to an acceptable level i.e. no more than 30cm above ground level to negate all the other issues i.e. overlooking, loss of amenity and screening. No development should take place within 1.0m of the boundary fence and any such unlawful construction adjacent the fence be removed;

- 4.1 Following discussions with the agent for the application, the originally submitted plans were amended to correct a number of errors. In order to ensure that the proposals had been accurately conveyed, a further consultation process was undertaken. This attracted one neighbour objection, from no.9 Nethermount, stating the following (summarised comments):
- There are no perceived material changes to the previous documents and our original comments still apply;
 - The decking is too high, affecting privacy;
 - The proposed screen acts as a sticking plaster and would be too high and overbearing;
 - The proposed screen would be excessively high for a home and for a fence between gardens, when measure from no.9 it would be approximately 3.1m;
 - It would have a severe impact on our amenity and outlook;
 - There are still errors on the original plans which incorrectly show the original patio and steps abutting the fence. The original situation was that they finished in line with the side wall of the house. The length of the fence between 8 and 9 is still inaccurate such that the impact on no.9 would be much greater than the diagram portrays.
- 4.2 Issues relating to the maintenance of the boundary fence and access to carry out any such works are a civil matter and are not material planning considerations.

5. **CONSULTATIONS**

Bearsted Parish Council

- 5.01 BPC recommend refusal based on the height of the decking and the loss of privacy to the neighbours and the visual impact.

Bearsted Parish Council – Response to Consultation on Revised Plans

- 5.02 Planning Committee voted to make no comment on this application and for it to be decided by MBC.

Councillor Springett

- 5.03 As with the previous application, I wish to make no comment on the part conversion of the garage to a utility room nor the gazebo and surrounding decking, but my objections remain with regards to the replacement and reconfiguration of the patio to the rear of the house and the proposed fence and trellis.
- 5.04 The current application fails to address the reason for refusal of the previous application 22/500345. The main cause of the loss of privacy and amenity issues for number 9 Nethermount is the height of the decking which has been installed without permission. Permitted development rights were removed from these properties at the initial approval of the development.
- 5.05 The height of the decking has introduced a privacy and amenity issue for the neighbours, as users of the decking can see into the kitchen window and private patio area of number 9. The previous proposal for a glazed screen was odd and out of character. Whilst use of a timber fence with trellis on top would seem to be more in keeping with a garden environment, the fact that this fence and trellis are set on top of the decking, means that in reality, the overall height of the fence and trellis is now approximately 3.1 metres above the terraced lawned area in the garden of number 9, which would be very overbearing and affect the amenity of the occupiers of number 9 and their enjoyment of their garden. Because of the height of the

proposed fence and trellis relevant to the existing fence line, and the fact that the patio area has been extended circa 1 metre towards the neighbouring property, the outlook from the kitchen window of number 9 will be severely impacted.

- 5.06 The lack of measurements on any documents makes it difficult to assess the change in levels and dimensions, no datum heights have been shown on the current documents to highlight the various levels involved, but when referenced to the original datum heights of the lawns and decking shown in application 09/2222, the difference in heights can be clearly seen. The applicant should be asked to provide measurements and or datum heights on the documents to assist in determining the various levels involved. In addition, the decking approved under 09/2222 did not extend eastwards towards the boundary fence, it remained aligned with the side wall of number 8. Therefore, the extension eastwards towards the boundary fence of circa 1 metre, has increased the amount of overlooking and loss of amenity that would have been considered when 09/2222 was determined. Therefore the additional harm is greater than indicated on page 6 of the planning statement.
- 5.07 In addition, no reference has been made to policy DM9, which relates to redevelopment within the built-up area, and this proposal fails to comply with parts i, ii and iii of this policy. I therefore ask that this application is refused, as it fails to comply with DM1 and DM9, parts i, ii and iii.
- 5.08 I wish to call this application back to the planning committee should you be minded to approve it. My reason is that I do not consider the applicant has overcome the original reason for refusal on the previous submission, 22/500345/FULL.

Councillor Springett – Comments on Revised Plans

- 5.09 The revised plans seem to show little difference to the previous ones. The overall height of the fence and trellis above the decking area is still quite significant and will be overbearing to the outlook and amenity of the residents of number 9. Number 9 is set further forwards to the road frontage and so this proposed fence extends some length along the rear boundary between the properties, and its overall height is exacerbated by the fall of the land away from the rear of the properties. The slope of the land is the main reason why permitted development rights were removed from these properties, in order to protect the privacy between properties.
- 5.10 The decking should be lowered where it abuts the rear of number 8 so that it sits lower down the slope. My call-in to committee remains.

6. **APPRAISAL**

The key issues are:

- The principle, design and visual impact of the raised patio and proposed privacy screen;
- The impact on the amenities, privacy and outlook of the neighbouring occupants.

Orangery extension, garage conversion and the gazebo

- 6.01 The planning merits of the orangery extension, garage conversion and the gazebo with its surrounding decking have been considered in the previous submission. These elements were not referred to in the reason for refusal. The design and impact of these alterations and additions was set out in the committee report relating to application 22/500345/FULL. The current submission does not detail any alterations to these aspects of the scheme and furthermore, the objections received from the occupants of no.9 Nethermount as well as the objection from Cllr Springett

specifically indicate that the garage conversion and gazebo with related decking surround, are not of concern.

- 6.02 In the context of policies DM1 and DM9 as well as the SPD guidelines relating to domestic extensions, the design and appearance of the orangery extension is reflective of the existing dwelling and the addition is also subservient to the original house. The alterations to the garage have seen the retention of the original garage door and consequently, the appearance to the street facing elevation of the dwelling remains unchanged. The small ground floor window serving the new WC does not make a significant or unacceptable change to the appearance of the dwelling and has a suitable relationship with the neighbouring dwelling at no.7. The level of parking provision is also of an acceptable standard for this type of location.
- 6.03 The gazebo style addition that has been constructed at the end of the rear garden is a relatively modest building that is comprised of timber. The addition has a shallow pitched roof that is hipped on all sides. Its position within the garden is such that the building is seen against the backdrop of the boundary fence and this in combination with its overall scale and massing means that it is not visually dominating in its setting or in the general outlook from the properties at the rear (24 The Orchard and 2 Little Orchard). The decking path that has been added around the gazebo is also visually acceptable and is not significantly greater in height than the established ground level.
- 6.04 The substantive issues therefore remain the impact of the raised patio and privacy screen and whether the proposals suitably overcome the previous reason for refusal.

Principle and Visual Impact

- 6.05 As set out above, the original planning consent for the residential development of Nethermount included a condition that withdrew the permitted development rights that residential dwellings would usually enjoy. Even if this were not the case, the raised patio would have required consent because it does not fall within the limitations of permitted development due to its height above the ground level.
- 6.06 The design of the raised patio, which incorporates a light grey composite decking material together with the proposal to complete the addition with a glazed balustrade will overall be of a relatively modern appearance but would not appear at odds with the somewhat contemporary style of the dwelling. It is often the case that garden patios are completed in contrasting materials to the related dwelling.
- 6.07 The overall size of the patio area is not disproportionate to the original house and its height relates to the floor level of the dwelling. The raised area adjoins part of the patio relating to the original property that is to be retained. Due to the changing levels across the entirety of the site, it is a characteristic of the garden area that there are grassed and hard surfaced areas of differing heights, albeit lower than the proposed patio, however such variations are an intrinsic part of the character of the garden. Due to the location of the proposal being to the rear, it will not be visible in the general streetscene of Nethermount.



(Figure 8)

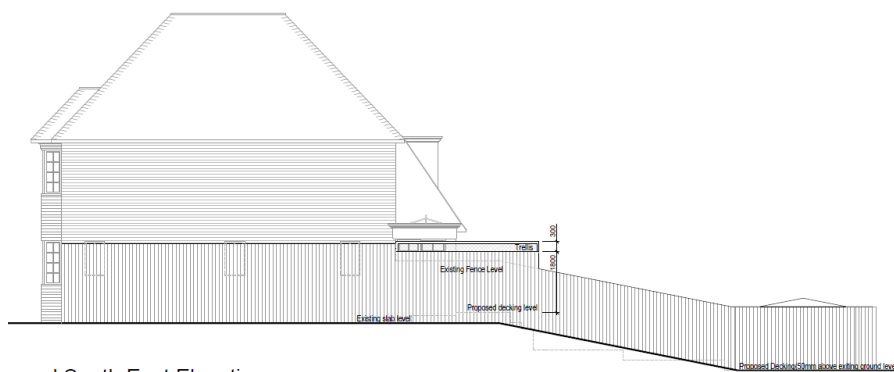
- 6.08 The proposed privacy screen largely resembles a boundary fence topped with trellis. The boundary lines of the rear gardens on Nethermount are generally defined by close boarded timber fencing of varying heights and therefore this is a feature of the street in general as well being a common characteristic of suburban areas. The privacy screen will largely be viewed in the context of the established boundary fence given its proximity to the boundary treatment that is in the ownership of no.9. The upper 0.3m being comprised of a trellis will see that the fence does not appear overly solid and will add some degree of visual interest. The extent of the screen will be the length of the patio and flank elevation of the orangery only. The boundary fences themselves will remain unchanged.
- 6.09 Policy DM1 requires that developments respond positively to the local character of the area. Policy DM9 is supportive of extensions to dwellings in built up areas where they fit unobtrusively with the existing building and character of the streetscene. Support is also given to the retention and reinforcement of the traditional boundary treatment of an area. Similar guidance is also given in the Residential Extensions SPD which notes that developments will be expected to retain and reinforce (where feasible) traditional boundary treatments. On balance, in considering the above assessments, this proposal would comply with these requirements.

Residential Amenity

- 6.10 The application property has neighbours to all sides of the rear garden, being no.9 Nethermount to the east/south-east; no.7 Nethermount to the north-west; 2 Little Orchard to the north/north-east; and a small part of the rear boundary of 24 The Orchard to the north-west. The previous submission determined that the raised patio, without screening, would materially impact the privacy of the householders at no.9 Nethermount and that the glazed privacy screen proposed at that time would be overbearing by virtue of its height and proximity to the boundary. This formed the sole reason for refusal.
- 6.11 The current submission seeks to overcome this issue by detailing a form of screen that is akin to a boundary fence topped with trellis. This will extend along the length of the patio and flank elevation of the orangery to prevent views from the existing window that faces the boundary. The screen is detailed on the plans as being directly adjacent to the boundary fence but constructed independently and therefore on land within the applicant's control. The screen will be solid timber to a height of 1.8m with a trellis of 0.3m above. The existing fence along the boundary with 9 Nethermount is in the ownership of the neighbouring occupants and not the applicant. A planter is also detailed on the plans although no specific details of what would be planted are provided.
- 6.12 The present circumstances are such that the absence of any form of screening means that the raised patio has views towards the rear windows and private garden area of no.9 Nethermount (the private garden area is defined in the Residential Extensions SPD as the first 5m beyond the rear elevation of a dwelling). This situation is at odds with the requirements of Policies DM1 and DM9 as well as the guidance contained within the Residential Extension SPD. This issue arises because of the height and position of the raised patio and its proximity in relation to the boundary, as well as the fact that the garden of no.9 Nethermount is on a lower ground level.
- 6.13 It would appear that the current boundary fencing remains the same as when the development of Nethermount first took place and is such that the fence is higher at the point where it is closer to the dwelling at no.9. Whilst the original patio area was smaller, the height of the fencing is such that there would likely have been some views towards no.9 Nethermount. That aside, it is simply not acceptable in the context of the relevant policies and guidelines to facilitate development that would

exacerbate this situation. Very clearly, the objections from the occupants of this property and the Local Ward Councillor demonstrate that the present situation impacts upon the ability of the residents to enjoy their property in a way that they can reasonably expect to.

- 6.14 In considering the planning balance, it must therefore be determined if there are alterations or conditions that could remedy this situation. The previous scheme put forward the idea of an obscure glazed privacy screen and this was refused on the grounds that it would be overbearing, consequently detracting from the amenities enjoyed by the neighbouring householders. The current solution put forward would essentially resemble a fence comprised of solid timber to a height of 1.8m from the floor level of the patio. The proposed height is the standard that would be expected to suitably protect privacy. The addition of the trellis on top would enhance this situation. The length of the proposed screen would directly address the areas where overlooking occurs.
- 6.15 Visually, this would appear similar to other boundary treatments that surround no.9 Nethermount. Whilst the existing boundary fence does not suitably obscure the views, the exposed area is limited and essentially, the proposal would appear similar to an extension of the highest part of the existing boundary fence (the existing fence is highest at the point where it is directly adjacent to no.9). The proposal will align with the maximum fence height and will be comprised of solid material to a suitable height together with a trellis above which will see that it is not overbearing:



- 6.16 The proposed planter to the patio will serve the purpose of softening the appearance of the screen but this impact would largely be confined to the application site. Due to the design and height of the timber screening, it will suitably restore the privacy of the neighbouring occupants. Consequently, although the type of planting has been queried in the objections, specific details of the proposed landscaping are not necessary. Although PD Rights are withdrawn, this would not extend to the ability to add planting within the garden and technically, it is open to any resident of Nethermount to add any soft landscaping of their choosing to their garden. Conditions relating to plants within planters would also be difficult to apply and uphold and furthermore in this case, would not appear to meet the test of being necessary. As with any garden, there is legislation that offers protection in relation to high hedges and therefore it would not seem reasonable or necessary to require that any planting be maintained at a certain height.
- 6.17 In terms of the points relating to the accuracy of the plans, the proposals are clearly set out on the block, floor and elevation plans. In terms of the extent of the boundary with no.9, it would appear that the two dimensional nature of the elevation drawing suggests a greater boundary length as it cannot reflect the turn to the north-west. The proposals relate to the rear elevation and immediate

surroundings so there is no doubt in terms of the nature of what is proposed, particularly given that the raised patio element is already constructed. In regard to the representation of the original layout of the patio and garden, the plans associated with the planning consent for the development of Nethermount have been reviewed in the assessment of this application and it is noted that the approved scheme did not detail the patio directly adjoining the boundary fence. It is however the case that the submission is seeking consent for the replacement and reconfiguration of the patio and the intentions are clearly detailed on the plans.

- 6.18 The potential use of the increased patio as a seating area in connection with the host dwelling is not considered unreasonable. No change of use is proposed and there is environmental legislation that could be invoked in the case that excessive noise is an issue. Ultimately, this is a family sized house with a garden and there is nothing within the application submission to suggest that the patio would be used for any purpose other than that which would be expected in a residential setting.
- 6.19 In terms of the relationship with no.7, the fence along this boundary is greater in height than along the boundary with no.9. In view of this together with the distance of the patio from the boundary, there are no adverse relationships. The situation is similar in relation to the property at the rear in that the separation distance and height of the boundary treatment together with established planting means that the relationships are acceptable.

Other Matters

- 6.19 Nethermount is positioned near to Bearsted Conservation Area but the location and general scale of the development proposed would have no impact on the wider views towards this designated area. It is also the case that there are listed buildings in the distance to the north-east and south-east but again, the level of separation; location of the proposals; and presence of other buildings in between will see that there is no impact upon the wider setting or general appreciation of these heritage assets. Trees on the adjoining land at Little Orchard are subject to a Tree Preservation Order however the proposals are well separated from any of these trees such that there will be no impact.

PUBLIC SECTOR EQUALITY DUTY

- 6.20 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 On balance, it is the case that subject to the conditions set out above, the proposal is acceptable in the context of the relevant development plan policies and SPD guidelines. The amended scheme is therefore considered to address the issues regarding the privacy, amenities and outlook from the neighbouring property at no.9 Nethermount that were set out in the refusal of the previous application.
- 7.02 In considering the objections received, as well as carrying out an assessment on site, the patio construction in its present form undoubtedly results in an unacceptable relationship between no.8 and no.9 by virtue of the inability of the established boundary treatment to maintain a satisfactory level of privacy for the occupants of no.9. It therefore becomes necessary to consider whether alterations and/or the use of conditions could overcome this issue. The amended proposal relating to the provision of a suitable privacy screen within the application site adjacent to the boundary will remedy the situation and can be conditioned to be maintained on a permanent basis. Whilst this proposal has raised an objection from the Local Ward Councillor, and the occupants of no.9, the amount of the screen that

will be visible from this property and its garden area, is not so significant as to be considered overbearing. Its appearance will be representative of other established boundary treatments in the immediate area.

- 7.03 The initial alterations to the garage and the construction of the original orangery took place over 10 years ago and were not reported to Planning Enforcement at the time. Under the terms of Section 191 of the Town and Country Planning Act 1990, such development would be exempt from enforcement action after a period of 10 years. Whilst these additions have been the subject of more recent alterations, the general principle is long established and no material impacts are identified that would suggest that these additions should not be accepted.
- 7.04 In assessing the details of the proposal and the objections raised, it is recommended that subject to imposing a suitably worded condition regarding the timeframe for installing the proposed screening and its retention on a permanent basis, this is an acceptable scheme.

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.

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 3859-01F; 3859-03E; 3859-12A; 3859-14D;
Reason: To clarify which plans have been approved.
- 2) Within 2 months of the date of this decision notice, the privacy screening detailed on the plans approved under condition 1 of this decision shall be installed and fully completed and shall thereafter be maintained as approved on a permanent basis;
Reason: In the interests of the privacy and amenities of the neighbouring householders.

INFORMATIVES

- 1) 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.
- 2) The grant of this permission does not convey any rights of encroachment of the boundary with the adjacent property 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.

Case Officer: Georgina Quinn

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

THE MAIDSTONE BOROUGH COUNCIL
PLANNING COMMITTEE – 22nd JUNE 2023

APPEAL DECISIONS:

- 1. 21/504703/FULL** Demolition of existing rear extension and erection of a replacement single storey rear extension with basement (revised scheme to 21/502652/FULL).

APPEAL: DISMISSED

Little Hearnden
East Sutton Road
Headcorn
Ashford
Kent
TN27 9PS

(Delegated)

- 2. 21/505460/TNOT56** Telecommunications notification for installation of a 20m monopole, 12 antenna apertures, and 6no. cabinets with associated ancillary works. For its prior approval to: siting and appearance

APPEAL: DISMISSED

Telecommunications At
Cumberland Avenue
Maidstone
Kent
ME15 7RW

(Delegated)

- 3. 19/506349/FULL** Change of use of land for use as a residential gypsy caravan site for 1no. gypsy family (retrospective).

APPEAL: ALLOWED

Lynch Bank Farm Barn
Detling Hill
Detling
Kent
ME14 3EX

(Delegated)

- 4. 21/501554/FULL** Demolition of existing dwelling and erection of 3(no) detached dwellings.

APPEAL: ALLOWED

Woodside
Firs Lane
Hollingbourne
ME17 1XJ

(Committee – against officer recommendation)

- 5. 22/505357/FULL** Proposed alterations to existing loft conversion to dormer extension with juliet balcony

APPEAL: DISMISSED

Sandling Cottage
4 Sandling Place
Sandling Lane
Sandling
Maidstone
Kent
ME14 3AH

(Delegated)

- 6. 21/505963/FULL** Demolition of 7(no) outbuildings; erection of 1(no) detached dwelling, 3(no) replacement buildings to support existing rural enterprise, comprising of 1(no) polytunnel with associated hard and soft landscaping, erection of farm shop/cafe with attached machinery store, and erection of 1(no) timber building. Part retrospective for change of use of land for

keeping of livestock, retention of existing timber storage and processing yard, retention and provision of plant nursery.

APPEAL: DISMISSED

Roseacre
Scragged Oak Road
Detling
Kent
ME14 3HL

(Delegated)
