

REPORT SUMMARY

REFERENCE NO - 14/501562/FULL			
APPLICATION PROPOSAL Retrospective application for single storey detached annexe			
ADDRESS Boughton Manor Boughton Lane Maidstone Kent ME15 9RJ			
RECOMMENDATION PER			
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed annexe will not appear as dominant or intrusive in the surrounding area. The use of a planning condition will ensure that the annexe remains ancillary to the main dwelling house and is only occupied by family members.			
REASON FOR REFERRAL TO COMMITTEE Objection from Parish Council who requested application be reported to Committee.			
WARD Loose	PARISH/TOWN COUNCIL Loose	APPLICANT Mrs And Miss Sarah And Victoria Williams AGENT Beck Associates	
DECISION DUE DATE 06/10/14	PUBLICITY EXPIRY DATE 06/10/14	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
07/1112	Application for Certificate of Lawfulness for erection of proposed double garage, garden store, games room and exercise room with changing area and sauna.	Approve.	05.07.07 not implemented
<i>Summarise Reasons: The proposed development is lawful and permitted development by virtue of Article 3 and Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.</i>			
13/1094	Erection of two storey extension to west elevation of main building, incorporating raised patio and basement extension.	Permitted.	12.08.13
<i>Summarise Reasons: The two storey extension would not appear as unduly prominent and would not cause any harm to the surrounding countryside or conservation area.</i>			
14/500936	Non material amendment to MA/13/1094 in relation to changes to doors.	Approve.	25.03.15
<i>Summarise Reasons: Satisfied amendments to doors not material.</i>			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to an extensive residential plot occupied by a large, detached two storey dwelling. The main dwelling is traditional in construction and is

of early 20th Century style, but is unlisted. It incorporates predominantly red brick construction with clay tile roof, although key elements of the front, rear and eastern side elevations include weatherboard and render panels with some tile hanging. The dwelling is set back a considerable distance from the road and is accessed via a long private driveway extending some 130m to its front courtyard. There is ample parking.

- 1.02 The immediate area is sparsely dispersed with residential properties. To the south the land slopes down towards the Loose Valley Conservation Area, although the site lies outside this. To the north are a number of agricultural fields forming a buffer between the site and the urban area. To the west the site borders an adjacent residential property, which has an extensive residential curtilage containing various ancillary buildings and structures and a tennis court.
- 1.03 The application site contains an existing garage and store building and also an existing double garage located to the north of the annexe building. The annexe building is located approximately 6 metres away from these buildings and it is sited at a slight angle, running from the north west to the south east. This enables it to be sited approximately 3 metres away from the top of the sloping embankment, following the natural contours of the land on this part of the site. This siting also enables the annexe to sit between two groups of existing mature trees located in the garden area, with none required to be removed.
- 1.04 The site is within the countryside and lies within the Anti Coalescence Belt and Area of Local Landscape Importance. The site boundaries to the south and west are densely screened with tree planting, which continues down the sloping embankments that lead to the site boundaries. The sloping embankment adjacent to the annexe contains a mix of deciduous and evergreen trees. The density of the planting is such, that even in the winter season, minimal long distance views are available through these trees to the south and west.

2.0 PROPOSAL

- 2.01 The proposal is a retrospective application for the retention of a detached, single storey annexe within the residential curtilage of Boughton Manor. The annexe is of timber construction with roof felt shingles. It has a low pitched roof, with a total ridge height of 4.2 metres and an eaves height of 2.5m. The windows and doors are also all of timber construction. The annexe has an overall width of 6.7 metres and length of 20 metres. The patio deck has a width of 9 metres on the northern end of the annexe and extends approximately 3 metres from the building to allow room for garden furniture.
- 2.02 The annexe is accessed via a wheelchair ramp that leads to the front entrance and hallway on the east elevation. This then leads onto a utility area and a further inner hallway which serves the small carer's bedroom, bathroom and also the master bedroom with ensuite facilities. These are all located in the southern half of the building. The northern half contains the combined kitchen/sitting room leading to a patio deck on the north elevation, which wraps around to the front entrance ramp providing wheelchair access to the garden of Boughton Manor.
- 2.03 The applicant provided a supporting letter with the application to explain the background to the development. The applicant erected the annexe building to accommodate their father who has advanced Alzheimer's disease, which has sadly resulted in increased aggressive and abusive behaviour. With young children residing in the main house, they wanted to be able to care for their father and keep

him close by, with the assistance of full time carers and family members. The annexe fulfils this requirement. The building, although, detached, has all main services supplied from the main dwelling house.

- 2.04 When the applicant erected the annexe, they thought that the annexe would be allowed under Permitted Development as detailed in the Town & Country Planning (General Permitted Development) Order 1995. They have also applied for and received a Certificate of Lawfulness to erect other buildings in the curtilage of Boughton Manor. However, the fact that the annexe is capable of independent occupation means that it does require planning consent. The applicant submitted an application following advice from Maidstone Borough Council's Planning Enforcement Officer. The applicant has agreed to the use of a condition restricting the use of the annexe to a family member only and was also willing to enter into a S106 agreement, if it was thought to be necessary.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)			
Approximate Ridge Height (m)		4.2m	
Approximate Eaves Height (m)		2.5m	
Approximate Depth (m)		6.7m	
Approximate Width (m)		20m	
No. of Storeys		1	

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Development Plan: Maidstone Borough-Wide Local Plan 2000, Policies ENV32, ENV35 and H33.

Supplementary Planning Documents:

5.0 CONSULTATIONS

- 5.01 Loose Parish Council stated that *"they wish to see this application refused and request it is referred to the MBC Planning Committee. We are concerned that this is backland development which may cause harm to its close proximity to the Conservation Area and area of Local Landscape Importance. It is also well within the Southern Anti Coalescent Belt and outside the Urban Boundary. This is contrary to National Planning Policy document section 9- Protecting Green Belt Land (inc item 87) & section 6- (item 53). Concerns have also been raised in respect of the inappropriate sheer scale of the property in comparison to the main building. The materials used in construction also differ to those of the main house. Access to services and utilities has also raised further concerns, and there appears to be no evidence to support necessary building regulations, and what utility apparatus has been determined in relation to this property"*.
- 5.02 Loose Parish Council also provided additional comments in an email dated 31 March 2015:
- *"This application sets an undesirable precedent."*

- *As this building was built without prior approval, Loose Parish Council wish to see this application assessed against existing planning and building regulations.*
- *We disagree on the basis of the Section 106 Agreement and the stated condition, which would make it difficult to enforce in the long term.*
- *As per our previous response we would like to re-iterate that we find the elevations and materials unacceptable for this dwelling."*

Representations

- 5.03 No objections or comments of any kind have been received on the proposal from local residents.

6.0 BACKGROUND PAPERS AND PLANS

- 6.01 The application comprises the following plans:

- Application form;
- Drawing no. 24/31/01: Plans and Elevations;
- Drawing no. 24/31/02: Block Plan and Site Plan;
- Site Location Plan 1:2500;
- Supporting Letter from Beck Associates received 7th July 2014.

7.0 APPRAISAL

Principle of Development

- 7.01 The applicant built the annexe in the belief that it was permitted development. A retrospective application was submitted as soon as it was realised that consent was needed for an annexe. The annexe has a location adjacent to existing trees and its construction from timber ensures that it blends into its natural surroundings.
- 7.02 The use of planning conditions can ensure that the residential annexe remains ancillary to the main dwelling house. It can also be worded to ensure that it is only occupied by family members related to those residing in the main dwelling house. It is considered that the use of such a condition would ensure that the development does not become an independent dwelling house. In this instance, the applicant has also confirmed that all the main services are supplied from the main dwelling house, which further assists in ensuring that the annexe remains ancillary.

Visual Impact

- 7.03 The single storey nature of the proposal and its timber construction ensure that it is not highly visible from the countryside to the south and the west. These boundaries include some substantial tree and shrub planting, which restricts views from the south and the Conservation Area beyond. Furthermore, the building is viewed in the context of the existing residential curtilage of Boughton Manor and its associated buildings and so does not appear out of keeping with its surroundings. Its low height and timber construction ensures that it is not dominant, but that it blends into its surroundings. The building is orientated to run along the side boundary of the application site, so that only the narrow end elevation of the building is visible from the south.
- 7.04 The annexe building is only single storey and from the west it is viewed with the new two storey element of the main house behind it. The low height and timber

construction of the annexe, which is nestled in the trees, does not appear as unduly prominent or cause any harm to the surrounding countryside or conservation area in this setting.

Residential Amenity

- 7.05 The nearest neighbour is sited some 45 metres to the north west and I therefore conclude, because of its single storey nature, design and materials, that it would not have a significant detrimental impact upon the residential amenity of any neighbour, in terms of loss of privacy, outlook, daylight and sunlight.

Highways

- 7.06 The development has no impact upon highways or upon parking provision at the site. The main house is served by a long access drive and ample parking.

Landscaping

- 7.07 The landscaping on the site is already mature. The erection of the annexe has not required the removal of any trees. It has been sited between two existing groups of mature trees in the garden area and is adjacent to the sloping embankment that is planted up with trees.

Other Matters

- 7.08 The applicant has set out the personal circumstances that provided the need for this development. The deteriorating health of their father and his need for constant care and close supervision can only be provided in the annexe. The annexe ensures that he can be looked after at home, near to family. The applicant is willing to accept the imposition of any conditions or enter into a S106 Agreement in order to ensure that they can provide this care at home. I consider that the use of a planning condition would be suitable in this instance.

8.0 CONCLUSION

- 8.01 It is considered that the design and materials of the annexe are acceptable. Its single storey height, timber construction, orientation, location adjacent to existing tree planting and existing residential development on the site all combine to ensure that it does not appear over dominant or intrusive in the surrounding area. The use of a planning condition will ensure that the annexe remains ancillary to the main dwelling house. It is considered that the proposal is acceptable with regard to the relevant provisions of the development plan and amenity impacts on the local environment and other material considerations such as are relevant. I therefore recommend conditional approval of the application on this basis.

9.0 RECOMMENDATION – GRANT Subject to the following conditions:

1. The annexe building hereby permitted and as shown on plans 24/31/01 and 02 shall only be used as a residential annexe and shall permanently remain ancillary to main dwelling house known as Boughton Manor. It shall only be occupied by family members related to those occupying the main dwelling house.
Reason: To prevent the creation of a separate residential dwelling in the countryside in accordance with Policy H33 of the Maidstone Borough-Wide Local Plan 2000.

Planning Committee Report

INFORMATIVES

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

Case Officer: Diane Chaplin

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 conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.