

REPORT SUMMARY

REFERENCE NO - 16/503947/FULL		
APPLICATION PROPOSAL Retention of existing dwelling at No.3 Hockers Lane. Construction of new single storey dwelling at rear of No.3; Demolition of existing dwelling and ancillary buildings including garages at No.1 Hockers Lane, and construction of replacement chalet dwelling and garage		
ADDRESS 3 Hockers Lane Detling Kent ME14 3JL		
RECOMMENDATION PERMIT SUBJECT TO CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • The site lies part inside the development boundary of Detling with the remainder lying outside but adjoining the development boundary. • The site context is one which is detached from open countryside and is considered to closely relate to the residential development that surrounds the site to the north and east • The development includes a replacement dwelling which is considered to accord with policy H32 which permits replacement dwellings in the countryside. • The second dwelling will replace a collection of buildings which is considered acceptable in its site context and will preserve and enhance the character of the countryside in accordance with policy ENV28 		
REASON FOR REFERRAL TO COMMITTEE Contrary to the views of Detling Parish Council and part of the development is contrary to the development plan as part of the site lies beyond the development boundary		
WARD Detling And Thurnham	PARISH/TOWN COUNCIL Detling	APPLICANT Mr B Stymest AGENT Shaw Design Services Ltd
DECISION DUE DATE 04/07/16	PUBLICITY EXPIRY DATE 17/06/16	OFFICER SITE VISIT DATE 2 nd June 2016

1.0 SITE DESCRIPTION

- 1.01 The application site comprises the area of land to the rear of 3 Hockers Lane and the curtilage of no.1 Hockers Lane. The site is occupied by a number of buildings including an existing garage serving 3 Hockers Lane along with no.1 Hockers Lane which is a detached bungalow to the east of the site and its associated garages and outbuildings. . The eastern boundary of the site is screened from the adjoining countryside by mature trees and hedging and is consistent with the eastern extent of Detling
- 1.02 There is an access track running along the northern boundary of the application site being the principle means of access to 1 Hockers Lane and the garage of no.3. This access track is also used as a public right of way running east from Hockers Lane between houses before leaving Detling village for open countryside. The site is bordered by residential properties to the north in Princes Way which extend along the northern boundary of the application site to the eastern boundary of the village. Thus

the application site is contained within a largely residential context enclosed by no.1 Hockers Lane to the east, Princes Way to the north and Hockers Lane to the west.

- 1.03 The front part of the sites falls within the village confines of Detling and the eastern, part of the site lies outside but adjoining the village confines. The boundary essentially runs through the rear gardens of Hockers Lane rather than the eastern boundary of the village.
- 1.04 Though Detling is defined as rural settlement it also lies within the North Downs AONB, a Special Landscape Area (SLA) while falling within a strategic gap.

2.0 PROPOSAL

- 2.01 The proposal has the following key elements to it:
- The demolition of all buildings on the site including 1 Hockers Lane.
 - 1 Hockers Lane to be replaced by a detached 3 bedroom house. The new dwelling will be a chalet bungalow.
 - The existing double garage of no.1 will be demolished and replaced by a new detached dwelling to the west of this which will be located between the new dwelling at no.1 and the existing dwelling at no.3 Hockers Lane which lies to the west.

3.0 RELEVANT HISTORY

- 3.01 15/509593: Retention of existing building at No.3 Hockers Lane with construction of new garage. Demolition of No. 1 Hockers Lane and construction of replacement dwelling. Construction of two additional dwellings with associated access and parking – **WITHDRAWN**
- 3.02 16/504644/FULL: Construction of replacement garage to serve 3 Hockers Lane –**APPROVED**

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: ENV28, ENV31, ENV33, H27, H32, T13

5.0 LOCAL REPRESENTATIONS

- 5.01 10 Neighbouring properties consulted – 4 objections received which are summarised below:
- Proposed redevelopment of 1 Hockers Lane is not small or minor but is quite large and tall while lying outside the village envelope.
 - Harm setting of the village and character of the AONB.
 - No ecological survey has been provided.
 - Represents overdevelopment.
 - Concerns regarding capacity of existing sewer system to deal with additional waste.
 - Proposed unit to replace 1 Hockers Lane will result in obstruction of views across site from adjoining houses.
 - Will result in loss of privacy to houses abutting the site.

- Concerns that the size of vehicles gaining access to may breach legal size limitations.
- Site does not occupy a sustainable location.
- Presence of existing trees does not appear to have been taken into account.
- Replacement garage to serve 3 Hockers Lane will overshadow adjoining property,

6.0 CONSULTATIONS

6.01 Detling Parish Council: Objects on the following grounds:

- Dwelling to replace 1 Hockers Lane represents a massive increase in size and scale compared to the existing building and represents an excessive increase.
- Feel it is reasonable to replace an old building in open countryside with a new modern building of similar size but to replace it with two large building is not and also object to the second bungalow.
- This building will cause loss of privacy and amenity to neighbours as a consequence of light and noise emanating from a site positioned adjacent to their rear gardens.

- Concerned regarding the suitability of the existing driveway to service the existing houses and any increase in occupation leading to increased car use will increase potential danger. Do not accept the site lies within a sustainable location as Detling does not have a train or bus service no employment, shops, doctors, vet or services of any kind other than a pub, a church and village hall. Application states it is an anomaly that no 1 is outside the village envelope. Disagree with this statement as the village envelope was established many years ago. The proposal is in the open countryside outside of the development boundary and is an unsustainable site outside an unsustainable village.

6.02 **Kent Highways:** The access to the site is existing with good visibility and no history of vehicle injury crashes. The proposed parking provision for each property meets the standards set out in IGN3 while there is adequate turning space within the site for vehicles to egress out onto The Street in forward gear. As such raise no objections subject to conditions to secure on site parking and turning.

6.03 **Kent PROW:** The submitted plans show the existing application site and garage encroaching into the public footpath by approximately 0.5 metres along the length of the footpath subject to this being resolved raise no objection .

7.0 APPRAISAL

7.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000. As the proposal affects land falling within an AONB the Local Planning Authority must also first screen the application to assess whether it should have been accompanied by an EIA.

7.02 The proposal does not fall within the categories of development where an EIA is normally required but given the sensitive nature of the AONB's higher level tests must be applied.

7.03 The main consideration is impact on the wider landscape. In assessing this it should be taken into account the development is tucked up against the village boundary in an area of garden which is enclosed by adjoining properties. Given the small scale of the development, the existing built form and its localised visual impact, it is considered the development is not EIA development.

7.04 The key issues are therefore considered to be the principle of development, whether there is any material impact on the character and setting of the AONB, SLA, strategic gap or the wider countryside, impact on the character setting and layout of this part of Detling village, design and layout, impact on the outlook and amenity of properties abutting the site, highway and parking considerations and wildlife and habitat concerns.

Principle of Development

7.05 Concerns have been raised regarding the sustainability of the site and that Detling is poorly served by public transport while having little in the way of facilities. Section 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should

avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

- 7.06 Taking into account the location of the site immediately abutting Detling, it is not considered the development will result in isolated dwellings in the countryside and will represent an example of sustainable development which will support the vitality of the village in a sustainable manner.
- 7.07 It should be noted that one of the new dwellings is a replacement of an existing dwelling which is supported by Policy H32 of the adopted local plan which states that planning permission will be granted subject to a number of criteria. Those parts of the policy relevant to this proposal require the existing dwelling to be lawful, the proposed dwelling not to be more visually intrusive than the existing dwelling, have a safe access, does not result in a material loss of amenity to adjoining dwellings, does not overwhelm or destroy the form of the original house is well designed and does not harm the countryside. These matters are discussed in more detail below but this confirms this aspect of the development is acceptable in principle.
- 7.08 The second dwelling which will be located between the new dwelling at no.1 Hockers Lane to the east and the existing dwelling at no.3 Hockers Lane to the west is on the most part outside the development boundary and therefore is as matter of principle contrary to policy ENV28. However, it is considered that the redevelopment of the site, which lies within a strong residential context and is the replacement of existing built form, will preserve the character of the countryside, the main policy aim of ENV28. Therefore, as such it is considered less weight should be given to the development boundary in this case and the absence of any countryside impact is a material consideration which lies in favour of the development.
- 7.09 It should be noted that similar development patterns are reflected in other previous decisions by the council including those at Oriel Close and Orchard View and where subject to the development not extending beyond the established eastern boundary of the village, this development was held to be acceptable..
- 7.10 Therefore, as matter of principle, the replacement dwelling is considered acceptable subject to detail which will be discussed below and due to the site context and the lack of identified harm, the context in which the second dwelling is considered is also acceptable in principle.

Impact on the character and setting of the AONB, SLA, strategic gap and the countryside.

- 7.11 Detling is washed over by AONB, SLA and strategic gap local plan designations and is therefore subject to policies ENV31, ENV33, ENV35 of the adopted local plan. The policies relating to the AONB and SLA require landscape preservation to take precedence over other planning considerations. In addition paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic

beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. Regarding strategic gaps the requirement here is that development should not compromise their key function of maintaining separation between built up areas.

- 7.12 A small segment of the western part of the application site falls within the settlement confines of Detling. However the majority of the site falls outside the settlement and is therefore also subject to policy ENV28 of the adopted local plan. However, the site is bordered by residential development to the north on Princes Way which runs the whole length of the application site and further residential development lies to the west on Hockers Lane.
- 7.13 The application site is already occupied by a number buildings being 1 Hockers Lane at its eastern extremity which is a detached bungalow along with a couple of garages and outbuildings which together with the built development to the north of the site create a residential built context which is an important consideration to any assessment of impact on landscape character. The assessment therefore revolves around whether the proposed development will cause a harmful impact when considered against this existing built context that would in terms of the rural character of the area, AONB and SLA and which will be assessed in detail in detail below.
- 7.14 Firstly, it is not considered the development is of sufficient scale to compromise the function of the strategic gap in maintaining separation between settlements particularly as development will not protrude between the established village edge. In terms of the impact on the village character and the wider countryside, the following points are made;
- 7.15 Whilst the proposed replacement chalet bungalow (plot 1) will increase the footprint and volume of the building currently occupying this part of the site, the existing bungalow is small and a new dwelling consistent with modern standards is therefore likely to be significantly larger as a consequence. The key test is whether the replacement dwelling will appear more visually intrusive in its setting.
- 7.16 This part of the application site is well enclosed by existing trees and hedging from views from open countryside to the east and occupies a relatively well enclosed location which is seen in the context of the adjoining residential development. Abutting the site to the north is a public footpath. Though views from this footpath will be available given the size, design and siting of the proposed dwelling, it is not considered there will an increased impression of built mass and which would appear out of character given its context in relation to other properties. It is therefore considered this part of the proposal complies with policy H32 of the adopted local plan and will not result in any material harm to the character and appearance of the adjoining countryside or landscape quality of the SLA and AONB as protected by env28.
- 7.17 Turning to the bungalow proposed on plot 2 (being the unit between the replacement dwelling to the east and the existing dwelling at no.3 at Hockers Lane. Though part of this dwelling falls within the settlement confines the majority falls outside the settlement boundary.
- 7.18 Though the proposed dwelling straddles the settlement boundary and encroaches into land beyond the development boundary the dwelling will replace an existing double garage with associated covered storage and workshop area, along with two garages to be demolished. All these buildings lie outside the settlement boundary and the applicant advises the proposed bungalow will replace the existing large detached

double garage while providing a transition between 3 Hockers Lane and replacement dwelling at the east end of the site.

- 7.19 Given the size of the double garage and the other outbuildings it is considered these bring a built mass commitment with the double garage and outbuilding having a steeply sloping gable ended pitched roof for part of its length though part of the building is single storey. The proposed bungalow, though having a larger footprint, has low eaves and ridge heights resulting in a dwelling with a low profile while its traditional design and proportions reflects and is in keeping with nearby development fronting both Hockers Lane and the public footpath running along the northern site boundary.
- 7.20 It is acknowledged the site lies partly outside the settlement boundary where new residential development would not normally be permitted. However given the existing dwelling fronting Hockers Lane and the dwelling replaced to the east the new dwelling will be consistent with the character of its surroundings, most notably development on the northern side of the public footpath which comprises single and two storey houses and the wider built area of Detling.
- 7.21 As such it is considered the circumstances of application site are such that the proposed new bungalow would not result in an unacceptable consolidation of existing residential development in the locality or would be harmful to the settlement integrity of Detling or would harm the character of the adjoining countryside or the landscape quality of the AONB and SLA.

Design and layout:

- 7.22 The immediate area comprises mainly detached bungalows standing in relatively spacious plots. The design, layout and proportions of the proposed dwellings reflect the predominant housing type in the locality in terms of scale, design and use of materials.
- 7.23 In terms of plot size and separation between dwellings, both proposed dwellings are served by reasonably sized and proportioned amenity area while the amenity area remaining with 3 Hockers Lane is also considered acceptable.

Impact on the outlook and amenity of properties overlooking and abutting the site:

- 7.24 Concerns have been raised regarding noise and disturbance, loss of privacy and outlook.
- 7.25 The unit on plot 1 replaces an existing residential presence with the main bulk of the chalet bungalow located largely on the footprint of the building to be replaced. As such it will not result in any significant change to the outlook of properties on the north side of the public footpath.
- 7.26 Regarding the unit proposed for plot 2, this has symptoms of backland development but for this to be overriding it has to result in specific demonstrable harm attributed to this type of development. Running along the north of the application site is the drive also used as a public footpath serving 1 Hockers Lane and the garage serving 3 Hockers Lane. As such and it is not considered the additional traffic generated by one extra dwelling will bring about a material increase in noise and disturbance to the occupants of houses abutting the track to the north.
- 7.27 The outlook of properties to the north of the access track would be different but given that there is no right to an outlook as such and separation distances are in excess of 20

metres with shrubbery in between it is considered it would be difficult to argue a specific loss of amenity in relation to these properties. Regarding the impact of houses in Hockers Lane a 'back to back' distance of just under 40 metres is maintained to the rear of 3 Hockers Lane with a similar distance to the rear of 5 Hockers Lane. When taking into account the low height and roof profile of the proposed bungalow it is considered there will be no material harm to the outlook of properties fronting Hockers Lane either in terms of loss of outlook or privacy.

- 7.28 Objection has also been raised to the siting of a double garage to serve 3 Hockers lane to replace that lost as part of the wider proposal. This was also submitted as a separate application under ref: MA/16/504644 and which has now been determined. The garage has therefore been deleted from this application.

Highway and parking considerations:

- 7.28 Kent Highways advise the existing access onto Hockers Lane has good visibility while the proposal has adequate on site parking and turning facilities to serve both proposed dwellings. The issue of parking to serve 3 Hockers Lane is addressed above in respect of the garage.

- 7.29 As such the proposal is considered acceptable on the above grounds.

Wildlife and habitat considerations:

- 7.29 The application is not accompanied by a phase 1 habitat survey. However given the domestic and well tended character of the application site it is not considered such a survey is necessary.
- 7.30 Nevertheless the NPPF requires development to make provision for wildlife and a condition requiring the provision of bat/swift boxes is considered an appropriate response in the circumstances.

Other matters

- 7.30 Reference has been made to other nearby development in Detling and that the proposal will contribute to the Councils 5 year housing supply figures. Regarding the Councils 5 year supply of housing land the Council considers itself to be in a position to demonstrate it can meet this requirement. As such the proposed dwelling yield is not considered a factor weighing in favour of the proposal.
- 7.32 The Housing Standards Review by the Government has resulted in the withdrawal of the Code for Sustainable Homes and introducing a system of optional Building Regulations on water and access, and a new national space standard ("the new national technical standards"). This system complements the existing set of Building Regulations which are mandatory. This does not preclude renewable or low-carbon sources of energy within new development which is considered intrinsic to high design standards and sustainable development in accordance with the provisions of the NPPF.
- 7.33 Such measures contribute towards achieving the NPPF's key sustainability aim, support the transition to a low carbon future while encouraging the use of renewable sources being one of the core planning principles of the NPPF. A condition should therefore be imposed on how renewable energy will be incorporated into the proposal.

- 7.34 There is also a requirement that surface water drainage be dealt with via a Sustainable Drainage System in order to attenuate water run off on sustainability and flood prevention grounds which can also be dealt with by condition.
- 7.35 It is also contended the existing sewer system has insufficient capacity to deal with the additional waste generated by the proposal. The proposal involves a net increase of 1 dwelling and in the absence of compelling evidence in support of this objection it is not considered it can be taken forward as an objection.
- 7.36 The concerns of KCC PROW are noted. As the plans do not involve any physical works or encroachment onto the public footpath this is a procedural matter to be resolved between the relevant parties.

Conclusions:

- 7.37 Given the site context of the site and the detail of the proposal, it is considered the development would represent sustainable development. Part of the development would be a replacement dwelling and the second dwelling would be appropriate in its context. It is considered the proposals will not result in material harm to the character, layout or setting of Detling and would not have an adverse impact on the rural character and landscape quality of the AONB and SLA or compromise the function of the strategic gap. In addition the proposal will not result in a material loss of privacy, outlook or amenity to residents overlooking or abutting the site while being acceptable on highway grounds. Planning permission should therefore be granted as a consequence.

8.0 RECOMMENDATION –GRANT 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) Before the development hereby approved commences details of all external materials (including surfacing for the roads, turning and parking areas) shall be submitted for prior approval in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

- (3) The development hereby approved shall not commence until details have been submitted for prior approval in writing by the Local Planning Authority of decentralised and renewable or low-carbon sources of energy and how they will be incorporated into the development. The approved details will be in place before first occupation of the development hereby approved and maintained as such at all times thereafter.

Reason: To secure an energy efficient and sustainable form of development to accord with the provision of the NPPF.

- (4) No house shall be occupied until the access, car parking and turning areas serving it as shown on drawing no:1513/02 rev A have first been provided. They shall be retained at all times thereafter with no impediment to their intended use.

Reason: In the interests of highway safety and the free flow of traffic.

- (5) Following first occupation of either of the dwellings, the size, design and siting of two swift and two bat boxes (one type of each per dwelling) shall be submitted for prior approval in writing by the Local Planning Authority. The boxes shall be installed within 3 months of completion of the dwelling on which they are to be sited and retained as such at all times thereafter.

Reason: To ensure that adequate provision is made for wildlife in accordance with the provisions of the NPPF.

- (6) Prior to first occupation of the development hereby approved a landscaping scheme including the retention of existing trees and hedgerows shall be submitted for prior approval in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented within the first available planting season following first occupation of any of the dwellings hereby approved. Any existing trees, hedgerows or planting becoming dead, dying or diseased within the 5 years shall be replaced with one of the same species of a size and location to be agreed beforehand with the local planning authority.

Reason: In the interest of visual amenity.

- (7) All trees/hedgerows to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. The barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a high quality setting and external appearance to the development in accordance with the National Planning Policy Framework (2012).

- (8) The development hereby permitted shall not commence until a scheme for the disposal of surface water (which shall be in the form of a SUDS scheme) has been submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To prevent pollution of the water environment and to ensure satisfactory drainage in the interests of flood prevention.

- (9) The development hereby permitted shall be carried out in accordance with the following approved plans being drawing nos: 1513/01, 02 revA, 03, 04, 05, 06 rev A, 07, 08, 10, 11 and 12.

Reason: In the interests of amenity.

INFORMATIVES:

Construction:

- (1) As the development involves demolition and / or construction the development should be carried out in accordance with the Mid Kent Environmental Code of Development Practice.

- (2) Highways:

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- (3) The submitted plans show the application site and garage encroaching into the public footpath by approximately 0.5 metres along the length of the footpath. Before the development commences KCC Public Rights of Way should be contacted so that concerns arising from this can be addressed.

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 pre-application advice.

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, following amendment, was acceptable.

Case Officer Graham Parkinson