

<b>REFERENCE NO:</b> 16/508513/FULL		
<b>APPLICATION PROPOSAL:</b> Demolition of existing lean to garage and erection of 3 detached dwellings with parking and landscaping.		
<b>ADDRESS:</b> Lewis Court Cottage, Green Lane, Boughton Monchelsea, Kent ME17 4LF		
<b>RECOMMENDATION:</b> GRANT PLANNING PERMISSION subject to the conditions and informatives set out at the end of this report.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b>		
<ul style="list-style-type: none"> <li>• The design and appearance of the development is in keeping with the character of the surrounding area and will not harm the setting of any listed building.</li> <li>• The development is acceptable in relation to the impact on residential amenity including in terms of outlook privacy and noise.</li> <li>• The proposed scheme is appropriate in terms of its impact in landscape, visual, amenity, heritage and transport terms.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b>		
Boughton Monchelsea Parish Council has requested that the application be determined by the Planning Committee for the reasons set out in the report.		
<b>WARD:</b> Boughton Monchelsea And Chart Sutton	<b>PARISH COUNCIL:</b> Boughton Monchelsea	<b>APPLICANT:</b> Mr J Anscombe <b>AGENT:</b> DHA Planning
<b>DECISION DUE DATE:</b> 14/02/17	<b>PUBLICITY EXPIRY DATE:</b> 27/01/17	<b>OFFICER SITE VISIT DATE:</b> 25/04/2017
<b>RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):</b>		
None relevant		

## 1.0 DESCRIPTION OF SITE

- 1.01 The application site (0.27 hectares) is located within the Boughton Monchelsea settlement that is classed as a 'larger village' in the emerging local plan. The rectangular plot comprises a two storey dwelling known as Lewis Court Cottage. The front elevation of the existing building faces west. The existing building has a single storey breeze block addition on its northern side providing garages and a large garden area to the east.
- 1.02 Access to the site is from Green Lane, by way of a gravelled driveway (around 40 metres long) running between Lewis Court and White Cottage. This access drive leads on to parking and turning area at the front of the existing dwelling. The site is not in a conservation area and there are no Tree Preservation Orders on the site.
- 1.03 The application site is located to the south of Green Lane; behind the detached properties called Tudor Cottage and Lewis Court in Green Lane. Tudor Cottage and Lewis Court are on the national list of significant historic buildings (Grade II).
- 1.04 On the Green Lane road frontage, Tudor Cottage is on the back edge of the public highway, with Lewis Court set back away from the road with trees and hedging along

the edge of the road. An existing outbuilding is located in the garden of Lewis Court adjacent to the existing building and garages on the application site; this building is considered a non-designated heritage asset. Open fields are located on the opposite side (north) of Green Lane.

- 1.05 Whilst the application property itself is not listed, the adjacent buildings called Tudor Cottage, Lewis Court and White Cottage are all on the national list of significant historic buildings (both Grade II).
- 1.06 To the east of the application site are two detached properties with site boundaries on to the adjacent road called Meadowview. One of these properties called White Cottage is located on the Meadowview and Green Lane road junction and on the national list of significant historic buildings (Grade II). A two storey timber building on the eastern side of the access road and behind White Cottage is considered a non-designated heritage asset. A detached bungalow called Cleaves is located to the west of the application site with open fields beyond.
- 1.07 There is a defined change in residential density and character immediately south of the application site with a row of higher density semi-detached houses in Lewis Court Drive directly behind the application site. These houses on Meadowview and Lewis Court Drive are part of an estate of similar character and density.

## **2.0 PROPOSAL**

- 2.01 The planning application is for the construction of 3 new residential dwellings (annotated on the plans as plots 1 to 3) on land currently attached to Lewis Court Cottage. The proposal includes the retention of the existing property with the demolition of an attached garage and the construction of a new relocated garage.
- 2.02 A new two storey three bedroom house is proposed on land to the front (west) of Lewis Court Cottage (annotated as plot 1). The property facing north is on land currently providing parking and turning areas and landscaping for the existing dwelling.
- 2.03 The demolition of the existing breezeblock garage will allow a vehicular access drive adjacent to the northern site boundary. This will provide access to 2 two storey four bedroom houses proposed to the rear (east) of the existing dwelling (annotated as plots 2 and 3). Each dwelling is provided with two off street car parking spaces with the 2, four bedroom properties also provided with garages (one single and one double). Each of the three dwellings will have a private rear garden.
- 2.04 A replacement attached single storey garage for Lewis Court Cottage is proposed to the north elevation of this building.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV49, H27, T13, T21.
  - National Planning Policy Framework (NPPF)
  - National Planning Practice Guidance (NPPG)
  - Maidstone Borough Council Local Plan Publication (submission version) February 2016; SP11; SP12; SP18; DM1; DM2; DM3; DM4; DM11; DM12; DM21; DM23 and ID1.
- 3.01 Paragraph 216 of the NPPF sets out the factors which influence the weight to be given to emerging LP policies which are preparation stage, extent of unresolved objections and consistency with the NPPF.

3.02 Maidstone Borough Local Plan (2016) was submitted to the Secretary of State for examination on 20 May 2016. The Local Plan Inspector issued his Report on the Examination of the Maidstone Borough Local Plan on 27 July 2017. The Report is accompanied by an appendix containing the 'Main Modifications'. The Inspector concludes that, with the incorporation of the 'Main Modifications', the submission Maidstone Borough Local Plan is sound. The adoption of the Local Plan will be considered at the next meeting of the Council on 27 September 2017.

3.03 In these circumstances, it is considered that approaching full weight should be afforded to the Maidstone Borough Local Plan incorporating the 'Main Modifications' in the determination of the current application. The policy references given above reflect those provided in the 'Main Modifications'.

#### **4.0 LOCAL REPRESENTATIONS**

4.01 The planning application has been advertised with individual letters sent to adjoining properties, a site notice and a press notice.

4.02 **Local residents:** Eight representations received from local residents objecting to the proposal on the following grounds (summarised):

- Out of character with the area;
- The design is a pastiche;
- Impact on the setting and character of the listed building;
- Overlooking of neighbouring dwellings;
- Concerns over the access arrangements;
- Impact on local wildlife.

#### **5.0 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)*

5.01 **KCC Highways:** No objection subject to conditions.

5.02 **KCC Archaeology:** No objection subject to conditions.

5.03 **MBC Conservation Officer:** Objection, the density and site distribution and layout would fail to preserve the setting of the listed buildings and also the curtilage structures (both of significance) and so not in accordance with section 66 of the Act. In addition, a level of harm would be caused to the significance of the heritage assets, which amounts to substantial in NPPF terms. The public benefits delivered by the scheme are not considered to outweigh this level of harm, and as such the proposal fails to accord with guidance contained within the NPPF. (Pre-application: no objection)

5.04 **Mid Kent Environmental Health:** No objection subject to conditions.

5.05 **Natural England:** No objection

5.06 **Boughton Monchelsea Parish Council:** Objection; wish to see the above planning application refused and reported to planning committee for the following reasons:

- Detrimental effect on the 'setting' and group value of the three listed buildings;
- The suburban space standards (dwelling to plot ratio) and density do not fit with the adjacent listed buildings;

- The 'pastiche of a former architectural style' contrary to Historic England advice;
- Harm to highway safety due to 'extremely poor' sight lines that do not meet KCC Highways requirements and conflict caused by the narrow access road.
- Unacceptable overlooking to the private amenity space of adjacent dwellings
- Insufficient information in relation to materials, context, refuse storage and collection arrangements;
- The integrity of the ecology report is questioned due to regular badger sightings and report scope extended "...beyond the limits of the proposed development site to ensure that the works do not damage the badgers habitat";
- A design and access statement has not been submitted.

## 6.0 **APPRAISAL**

### **Main Issues**

- 6.01 The key issues to consider are design and appearance and impact on heritage assets; the potential impact on amenity in terms of noise, privacy and disturbance and the general character of the area.
- 6.02 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the Statutory Development Plan unless other material considerations indicate otherwise. In this case the Development Plan consists of the Maidstone Borough Wide Local Plan 2000. The Local Plan Inspector issued his Report on the Examination of the Maidstone Borough Local Plan on 27 July 2017 and in these circumstances, approaching full weight should be afforded to the Maidstone Borough Local Plan incorporating the 'Main Modifications' in the determination of the current application.
- 6.03 The application site is within the Boughton Monchelsea settlement which is defined as a 'larger village' in the emerging Maidstone Local Plan. Emerging policies SP5 and SP12 provide general support to the currently proposed minor 'infill' development as larger villages such as Boughton Monchelsea are considered able to support this type of growth and are sustainable locations.
- 6.04 Emerging policy DM10 supports the development of garden land within the larger villages subject to the following criteria being met: there would be no significant harm to the character and appearance of the area through the higher density; no significant loss of privacy, light or outlook is caused; suitable access is provided and there is no significant increase in noise or disturbance from traffic using the access. As set out in the following assessment the proposal is considered in line with this policy.
- Heritage, design and visual impact
- 6.05 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard should be had to the desirability of preserving listed buildings or their setting.
- 6.06 The NPPF, Local Plan and the emerging local plan all seek to protect and enhance the historic environment. Where substantial harm is caused to a designated asset permission should be refused unless there are substantial benefits; where a 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 (NPPF para 134).
- 6.07 Proposals should have high quality design and respond positively to, and enhance the character of the area. Particular regard will be paid to scale, height, materials,

detailing, mass, bulk, articulation, and site coverage, incorporating a high quality modern design approach (emerging policy DM 1).

- 6.08 The application site is not in a conservation area and does not contain any listed buildings. There are three listed buildings (grade II) to the north and east of the site; Tudor Cottage, Lewis Court and White Cottage. Two outbuildings to the rear of the listed buildings are considered non-designated heritage assets.
- 6.09 The applicant sought pre-application advice from officers prior to the submission of this planning application. The original plans submitted for discussion were revised by the applicant following comments from the conservation officer. The conservation officer at that time confirmed that there was no objection to the proposal that was subsequently submitted as the planning application. It was considered that, due to separation distances and boundary landscape screening, the proposal would not harm the setting of the listed buildings.
- 6.10 Since these pre application comments were received there has been a change in conservation officer, and the current conservation officer has raised an objection to the submitted planning application. The current conservation officer acknowledges that the listed buildings are a distance away from the development site, but highlights two curtilage structures that lie on the site boundary. The conservation officer considers that these buildings are 'perhaps of a listable quality' and are afforded protection as undesignated heritage assets. The conservation officer concludes that the proposed development by the virtue of the density and site distribution and layout would fail to preserve the setting of the listed buildings and also the curtilage structures.
- 6.11 In addition to highlighting the pre-application dialogue with the conservation officer, the applicant in response to this objection has highlighted the levels of screening between the development and the listed building. It is also highlighted that historic mapping shows the presence of built form on the southern part of the site as characteristic of the plot, as well as a degree of subdivision. The applicant considers that due to the sensitive design and the existing and proposed landscaping the proposal would not detrimentally affect the significance of the listed buildings.
- 6.12 In relation to the non-designated curtilage buildings it is accepted that these buildings appear to have some historical value and the development of the adjacent land will have some impact. An assessment has been carried out of the level of this impact against the benefits from the proposal.
- 6.13 The first curtilage structure is an outbuilding located in the garden of Lewis Court. This curtilage structure is currently separated from the main building on the application site by boundary landscaping and a single storey breeze block garage attached to the application building. This garage block is due for removal as part of the current proposal. The three proposed houses are located significantly further away from the curtilage structure than the retained red brick dwelling. The removal of this breeze block garage building will improve the current setting of the curtilage structure and the listed buildings with any further potential harm reduced by landscape screening.
- 6.14 The second curtilage structure is a two storey timber outbuilding outside the site but adjacent to the western boundary and the existing access to the site. The main elevation of this building faces east away with the narrow side elevation of this building faces towards the site entrance. With this orientation and the length of the access road there are currently limited public views of this structure.

- 6.15 The proposal involves a new house that will mark the end of the access road (plot 1). This new house is located close to, but orientated at a right angle to the front elevation to the curtilage structure. It is accepted that the new house will have an impact on the setting of this non-designated heritage asset but with orientation and the backland location this is not considered sufficient to justify the refusal of planning permission.
- 6.16 Whilst the three bedroom property on plot 1 is set back by 50 metres from Green Lane with its location at the end of the access drive it would be partially visible in the public view along the access drive. Existing views of the application site and plots 2 and 3 from the public highway are heavily screened by existing trees, hedges and buildings located both within the site, on the boundary of the site and on neighbouring land.
- 6.17 In assessing the potential heritage impacts from the proposed development the comments from both conservation officers have been considered. With the separation distance from the listed buildings, intervening development, boundary treatments, and the height and scale of the proposed buildings the potential impact on the setting of the listed buildings is considered to be negligible. The potential impact on non-designated heritage assets is not considered sufficient to refuse planning permission. When assessed against the test in the NPPF (para 134) the benefits of the proposal providing three new family homes outweighs the negative impact.
- 6.18 The NPPF (para 60) states that planning decisions should not attempt to impose architectural styles or particular tastes through unsubstantiated requirements to conform to certain development forms or styles. Planning decisions should however seek to promote or reinforce local distinctiveness.
- 6.19 There are a mix of building styles in the area surrounding the application site including the simple design of the housing to the rear of the site, the retained red brick building on the application site and the listed buildings to the north. The design of the new buildings include hipped roofs with front single storey bays, open porch areas and chimneys. The proposed materials are brick, ragstone (bay windows) and timber cladding/weatherboard with slate and clay tiles. The design and appearance of the proposed houses are considered appropriate in this context.
- 6.20 The application site is located within a larger village as defined in emerging plan. This location is considered a sustainable location for new development at a higher density with higher density development located immediately to the rear of the site. The existing property on the application site has no historical or particular architectural merit. The proposed development will result in less than substantial harm to heritage assets and will provide the benefit of three new residential dwellings in a sustainable location.

#### Residential amenity

- 6.21 The NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 17 of the NPPF states that planning should seek a good standard of amenity for all existing and future occupants of buildings.
- 6.22 The proposal has been assessed in relation to the potential impact on amenity including overlooking, loss of privacy, loss of sunlight and daylight and visual intrusion. With the orientation of the proposed dwellings, distances from the site

boundaries and existing trees and vegetation it is considered that the proposal is acceptable in relation to the impact on residential amenity.

#### Access/highway safety

- 6.23 Access to the site is gained from the existing site entrance to Lewis Court Cottage. The access will be augmented and extended to serve all three proposed new dwellings. Each new dwelling will be served by two external parking spaces, in addition to garaging proposed for plots 2 and 3.
- 6.24 The applicants have stated that the proposed layout has been tested (tracked) to ensure that sufficient turning space is provided to allow vehicles to enter and exit the site in a forward gear. It is considered that there is sufficient space for the storage and collection of refuse without harm to amenity, access or highway safety. It is not considered that the proposal will have any adverse impact on the highway network or highway safety, and there has been no objection received from KCC Highways.

#### Landscaping, trees and ecology

- 6.25 The National Planning Policy Framework states that "*the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible*".
- 6.26 The submitted planning application is supported by a phase 1 Ecology Survey. The survey found that the site does not currently support any protected species. The report is adequate to consider ecology issues. The report highlighted that there was potential for bats to utilise the existing dwelling and the adjacent outbuilding, and as a result a condition is recommended in relation to external lighting and for bat boxes.
- 6.27 An arboricultural impact assessment was submitted in support of the application. The assessment outlines which trees within the site boundaries are to be retained and which are to be removed. The assessment has been considered by the council's tree officer and there is no objection raised subject to conditions requiring compliance with the arboricultural impact assessment and arboricultural method statement and landscape details. Planning conditions are recommended seeking details of landscaping on the site.

## **7.0 CONCLUSION**

- 7.01 The proposed development, complies with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and the Main Modifications linked to the emerging plan and there are no unacceptable impacts on the character, appearance and visual amenity of the locality generally. The development does not result in any unacceptable impact on the amenities of surrounding occupiers. The proposals do not raise any overriding parking or highway safety issues. The development is acceptable in relation to heritage considerations.
- 7.02 In these circumstances, the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other relevant material considerations. There are no overriding material considerations to indicate a refusal of planning permission and the recommendation is to approve planning permission.

## **8.0 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 hereby permitted shall be carried out in accordance with the following approved plans: DHA/10696/02, 04, 05, 06 and 07. Reason: For clarity and to ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.
- (3) The development shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of the building, including those of the roof, elevations, and hard surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials; Reason: To ensure a satisfactory appearance to the development.
- (4) The approved details of the parking areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them; Reason: Development without adequate parking is likely to lead to parking inconvenient to other road users and in the interests of road safety.
- (5) The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings and maintained thereafter; Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.
- (6) Prior to commencement of development above DPC level, written details of a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority which shall include a long term management plan. The scheme shall be designed using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines. Reason: To ensure a satisfactory appearance to the development.
- (7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. Reason: To ensure a satisfactory appearance to the development.
- (8) Prior to commencement of development above DPC level, written details of the provision of swift and bat boxes within the building shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to the first occupation of the property and maintained thereafter unless otherwise agreed in writing by the local planning authority; Reason: In the interests of biodiversity enhancement.



- (9) 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, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter; Reason: To ensure an energy efficient form of development. Details are required prior to commencement as these methods may impact or influence the overall appearance of development.
- (10) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is sooner, and any trees or plants which within a period of five years from the implementation of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the local authority gives written consent to any variation. Reason: In order to ensure a satisfactory appearance to the development.
- (11) Prior to occupation of the proposed units a minimum of two electric vehicle charging points shall be installed and ready for use and in accordance with details that have previously been submitted to and approved in writing by the local planning authority that includes a programme for installation, maintenance and management with the points retained thereafter and maintained in accordance with the approved details. Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.
- (12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extensions shall be carried out without the permission of the Local Planning Authority; Reason: To safeguard the character and appearance of the surrounding area and in the interests of residential amenity.
- (13) Prior to the commencement of development details of the proposed replacement garage shall be submitted to and approved in writing. With the garage constructed in accordance with the approved details. Reason: To safeguard the character and appearance of the surrounding area.

Case Officer: Graeme Moore

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