

REFERENCE NO - 19/503648/FULL		
APPLICATION PROPOSAL Demolition of the existing dwelling Loxley House and the erection of replacement dwelling with amenity space, parking, landscaping and access.		
ADDRESS Loxley House Gravelly Bottom Road Kingswood Maidstone Kent ME17 3NT		
RECOMMENDATION : Refusal		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal, by way of its siting, scale, footprint, mass and volume, would result in a development in the countryside which is incongruous and visually obtrusive. It would be seriously harmful to the rural character and the appearance of this part of the countryside. As such the proposal would fail to accord with the NPPF and Local Plan Policies SP17, DM30 and DM32.		
REASON FOR REFERRAL TO COMMITTEE The local Member has advised: Since the original application and the appeal, there has been a significant change to the character and of the site. There are now 3 additional dwelling on the land and in addition a large agricultural/forestry buildings have been erected on the higher ground to the north of the site. The site is developed. Policy DM32 (1) provides support of the election of replacement dwellings in the countryside. The site is well screened for public view for Gravelly Bottom rd. by the existing trees and hedgerow on the site boundary. These will be retained as part of the proposal and will be reinforced with new native species. I consider that this development will not be visually intrusive from a public vantage point. A section 106 Unilateral Undertaking has been completed and signed to ensure that the original dwelling will be demolished on completion of the replacement dwelling. The Parish Council and local residents wish to see the application approved.		
WARD Leeds	PARISH/TOWN COUNCIL Broomfield & Kingswood	APPLICANT Mr R Schroeder AGENT DHA Planning
TARGET DECISION DATE 25/10/19		PUBLICITY EXPIRY DATE 21/08/19

Relevant Planning History

18/503087/FULL - Demolition of existing dwelling (Loxley House) and erection of a replacement dwelling with amenity space, parking, landscaping and access. Refused Decision Date: 09.08.2018

12/0136 - Erection of a replacement detached three bedroom dwelling as shown on site location plan and drawing nos. RS/11/6/2A, TOH/11/6/3 and RS/08/2/2B received on 30/1/12. REF. Dismissed at Appeal.

10/1967 - Erection of a replacement dwelling as shown on drawing nos. TOH/09/5/1B, 3 and 4 received on 11/11/10. REF. Dismissed at Appeal.

08/2231 - Erection of a replacement dwelling house REF. Dismissed at Appeal.

04/0964 - Demolition of existing dwelling together with adjacent agricultural buildings and the erection of a new 4 bedroom detached dwelling with additional landscaping (a resubmission following refusal MA/03/1932), as shown on dwg nos SK/1, SK/2 and RCM/03/MC/2/1 received on 18.05.04. REF. Dismissed at Appeal.

03/1932 - Demolition of existing building and outbuildings and erection of 1No. replacement dwelling house, as shown on dwg nos SK/03/1 and RCM/03/MC/2/2 received on 03.11.03. REF

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site of circa 0.31 hectares is located within open countryside, outside of any settlement boundaries as defined in the Local Plan.
- 1.02 The application site consists of two rectangular parcels, located off the north side of Gravelly Bottom Road, to the west of the settlement of Kingswood.
- 1.03 The most northerly, small parcel encompasses Loxley House, a moderately sized single storey structure, whilst the larger southern parcel contained managed open grassland, bound by existing vegetation on two sides.
- 1.04 The existing dwelling referred to as Loxley House was previously used as a village hall, however was granted lawful use as a dwelling in 1999 (under MA/99/1580/N/CLD). This dwelling is substantially removed from the public highway (by some 80m) and lies behind a number of buildings which were approved in 2016 (under Class Q Prior Approval procedures) to be converted from Agricultural to residential use.
- 1.05 The site slopes upwards to the north, away from Gravelly Bottom Road and is bound on its eastern side by a driveway serving Loxley House, permitted residential buildings and an existing barn that lies to the north of the site, currently accommodating 'Kingswood Christmas Trees' which is run out of this property.

2. PROPOSAL

- 2.01 The proposed dwelling would replace the existing single storey structure known as 'Loxley House' and would be sited approximately 25-30m south of that existing, albeit with a larger built footprint. The footprint of the proposed dwelling (circa 300sqm) is some 160sqm larger than that currently on site, representing an increase of approximately 114%.
- 2.02 The new dwelling would form an L-shape, with two double story bay windows and a double story protruding element above the front porch, extending from the front elevation, overlooking the southern extent of the site. This dwelling has been designed to sit approximately 1m into the ground, with a proposed ridge height of some 9.7m above slab level.
- 2.03 The dwelling will be two storeys in height, with a single storey element protruding from the eastern side of the northern (rear) elevation; accommodating the ground floor kitchen. The rest of the ground floor will encompass a lounge, study, dining, games and utilities rooms. There is also a bathroom and WC on this level.
- 2.04 The first floor of the proposed dwelling will accommodate 4 bedrooms (3 with en-suite), a studio and family bathroom. Each bedroom is consistent with the nationally defined space standards, with sufficient room and access to natural light to ensure a high standard of amenity for future residents.
- 2.05 Sufficient rear and front garden would also be provided as part of the proposals.
- 2.06 The property would have a half-hipped style roof, with clay tile hanging and roof tiles, clad in red/brown multi stock brick. The dwelling also proposes to incorporate timber double glazed window units.
- 2.07 2 no. parking spaces would be provided to the south of the dwelling (to the front), with the main entrance door facing this parking area. Cycle parking will be accommodated within the private curtilage of the dwelling. Access will be shared

with the existing properties to the north off the existing driveway to the east of the application site, providing access to Gravely Bottom Road.

2.08 The application replicates that considered and refused under ref 18/503087/FULL although includes the provision of a legal undertaking to secure the removal of the existing building upon implementation of the works. The reasons for refusal of 18/503087/FULL were:

1. The proposal, by way of its siting, scale, footprint, mass and volume, would result in a development in the countryside which is incongruous and visually obtrusive. It would be seriously harmful to the rural character and the appearance of this part of the countryside. As such the proposal would fail to accord with the NPPF and Local Plan Policies SP17, DM30 and DM32.
2. In the absence of a completed Legal Agreement the proposals fail to adequately secure the removal of the existing Loxley House, and therefore do not satisfy Policy DM32. As a result the proposals would result in new residential development outside of settlement in an isolated and unsustainable location which would be detrimental to the character and appearance of the countryside.

2.09 There have been no material changes to the site since the recent refusal of planning permission.

3. POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: SP17, DM1, DM23, DM30, DM32,
Supplementary Planning Documents:
Maidstone Landscape Character Assessment (Amended 2013)

4. LOCAL REPRESENTATIONS

Local Residents:

4.01 None

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)

Kent Highways

5.01 No objection subject to the imposition of conditions

Natural England

5.02 No comments to make

Broomfield and Kingswood Parish

5.03 Recommend approval of the proposal

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Principle of development

- Visual Impact
- Residential Amenity
- Highways
- Biodiversity

Principle of Development

6.02 Policy DM32 of the adopted Local Plan relates to 'proposals for the replacement of a dwelling in the countryside' as an exception to the normal constraints for development in the countryside. This policy has a number of criteria:

- The present dwelling has a lawful residential use;*
- The present dwelling is not the result of a temporary planning permission;*
- The building is not listed;*
- The mass and volume of the replacement dwelling is no more visually harmful than the original dwelling;*
- The replacement dwelling would result in a development which individually or cumulatively is visually acceptable in the countryside; and*
- The replacement dwelling is sited to preclude retention of the dwelling it is intended to replace, or there is a condition or a planning obligation to ensure the demolition of the latter on completion of the new dwelling.*

6.03 In this case, the existing dwelling has a lawful residential use (under MA/99/1580/N/CLD) and does not result from a temporary planning permission. The building is not listed. The implementation of the proposed dwelling would not preclude the retention of the existing dwelling; however the removal of the existing dwelling has been dealt with by way of S106 agreement.

6.04 It is therefore considered that there can be no objection to the general replacement of the existing dwelling in principle terms. The proposals will however need to be assessed against criteria iv. and v. These elements are considered below

Visual Impact

6.05 Policy SP17 of the Local Plan identifies that:

- Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.*

6.06 Policy DM30 states:

Outside of the settlement boundaries as defined on the policies map, proposals which would create high quality design, satisfy the requirements of other policies in this plan and meet the following criteria will be permitted:

- The type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features;*
- Impacts on the appearance and character of the landscape would be appropriately mitigated. Suitability and required mitigation will be assessed through the submission of Landscape and Visual Impact Assessments to support development proposals in appropriate circumstances;*
- Where built development is proposed, there would be no existing building or structure suitable for conversion or re-use to provide the required facilities. Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character of the area;*

- 6.07 Additional to the above cited Local Plan Policy the National Planning Policy Framework (NPPF) July 2018 identifies at paragraph 170 that planning decision should recognise the intrinsic character and beauty of the countryside, and wider benefits from natural capital and ecosystem services.
- 6.08 As identified in Policy DM32, the visual assessment of replacement dwellings should be based on the original dwelling. Limited information has been provided with regards to the characteristics of the existing building; however the single storey Loxely House is estimated to encompass a footprint of some 140sqm, with a width and depth of approximately 10m and 14m respectively. The proposed dwelling thus represents a gross increase of circa 114%.
- 6.09 The proposed dwelling is significantly larger than that currently on site, in all dimensions including height; it is also proposed to be located within an area of greater visual sensitivity, being on open and substantially more prominent land; with the topography rising up from the road.
- 6.10 The increase in scale, volume and built footprint is significant and unacceptable, not only being substantially larger than the existing dwelling it is replacing but significantly larger than neighbouring residences permitted to the north (PD applications) and that to the west (The Cottage).
- 6.11 The prior approval consents for the conversion of properties to the north into residential use are noted however these are considered to be of limited relevance, they illustrate that the principle of residential use of the existing buildings is acceptable. They do not address issues relating to the design and scale of the proposed dwelling.
- 6.12 In addition to the substantial increase, the proposal seeks to re-site the dwelling on a more conspicuous site, closer to and more visible from Gravelly Bottom Road. The proposed dwelling is of little relation to what it is replacing in size or siting and would have considerably greater impact on the countryside and the streetscene.
- 6.13 Whilst the 2009 appeal decision predates current planning policy, it should still be given some weight in any consideration given the similarities of the proposals that the inspector found to be unacceptable. In addition, application 18/503087/FULL assessed the same proposal and found it to be unacceptable. There have been no material changes on site, or to the policy framework since consideration of this application. This carries significant weight.
- 6.14 In light of the above, the proposal is considered unacceptable in view of its size, scale and bulk, which together with its location on a sloping and open site would result in visually intrusive and incongruous development that would be out of character with surrounding development and detrimental to the character of the area in general. The proposals thus do not meet criteria iv. of Policy DM32.
- 6.15 I have given consideration to nearby approved applications that were drawn to my attention by the Local Member. Whilst I have reviewed these previous applications, it is important to note that each application must be judged on its own merits. I have considered these neighbouring developments and find that whilst they represented 'replacement dwellings' of increased size, they were more acceptable in terms of impact on visual amenity. They were either located in similar and set back locations within their site and had a reduced material impact on the visual appearance and character of the site and wider countryside mainly owing to more sensitive heights. These are not comparable to the scheme being considered here.
- 6.16 The scale of the application proposal, is considered to be visually unacceptable, both individually and cumulatively within the countryside. The design of the building,

whilst being of a set into the ground by circa 1m, is considered to be out of character with neighbouring properties which are smaller and of a more simplistic agricultural design.

- 6.17 It is further considered that the development of this site, in conjunction with the existing dwellings to the north, would lead to the appearance of overdevelopment and urbanisation; increasing urban paraphernalia and eroding the rural character of the area. The size, massing and volume of this application is significantly larger than that originally on the site, and in a much more prominent location, and the addition of this building into this site would result in significant cumulative visual impacts.
- 6.18 The proposals would not provide any notable public benefits. The development of this site for a dwelling of the proposed scale would irreversibly change the distinct character of the countryside, cumulatively, resulting in an overdevelopment and urbanisation of the area. It is thus considered that the development fails to comply with criteria v. of the Policy DM32.
- 6.19 By extension of the above assessment, it is considered the proposed replacement dwelling, would fail to comply with Policy SP17 and DM30 altering the local distinctiveness and intrinsic beauty of the wider countryside.
- 6.20 In light of the above, and the information provided as part of this application, I consider the scale and massing of the development proposed does not accord with National or Local Policy, when viewing the site both individually and cumulatively within the context of its location within the wider countryside.
- 6.21 The above findings are consistent with advice previously provided by the Council in previous applications on the same site; and upheld by Inspectors at appeal on four separate occasions, with the applicant yet to overcome the officer's and inspectors concerns.

Residential Amenity

- 6.22 Policy DM1 of the local plan states that proposals should respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development 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.
- 6.23 In this case I consider the orientation, outlook and distances to neighbours (between 15 and 25m) are sufficient that any significant loss of light, outlook or privacy would be unlikely to occur. As this is a one-for one replacement dwelling, I do not believe that noise and disturbance from the replacement dwelling would increase.

Highways

- 6.24 Policy DM1 of the local plan states that proposals should safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access, and provide adequate vehicular and cycle parking to meet adopted council Standards.
- 6.25 Local plan policy DM23 states that car parking standards for residential development will:
- i. Take into account the type, size and mix of dwellings and the need for visitor

- ii. parking; and
 - ii. Secure an efficient and attractive layout of development whilst ensuring that appropriate provision for vehicle parking is integrated within it.
- 6.26 The proposal is effectively a one-for-one replacement; as such I do not consider the replacement dwelling to increase impacts on the local highway network. The parking standard requires 4+ bedroom houses in such a location to provide for 2 spaces per unit. As such, the proposal accords with the parking standard and no objection is raised by Kent County Council in this regard.

Biodiversity

- 6.27 An Extended Phase 1 Habitat Survey was submitted with the application. I do not consider that the application proposal would not cause sufficient ecological harm to warrant the refusal of this application.

Other Matters

- 6.28 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.

7. CONCLUSION

- 7.01 The demolition of the existing residential dwelling for a new 4 bedroom dwelling would constitute a replacement dwelling under Policy DM32 of the Local Plan. Despite the acceptance of this replacement dwelling in principle, it is considered that the proposed dwelling, by way of its siting, scale, massing and volume would be significantly more visually intrusive than the original dwelling; causing greater material harm to the character and appearance of the countryside.

8. RECOMMENDATION

REFUSE planning permission for the following reason(s):

- 1) The proposal, by way of its siting, scale, footprint, mass and volume, would result in a development in the countryside which is incongruous and visually obtrusive. It would be seriously harmful to the rural character and the appearance of this part of the countryside. As such the proposal would fail to accord with the NPPF and Local Plan Policies SP17, DM30 and DM32.

The Head of Planning and Development BE DELEGATED POWERS TO REFUSE planning permission subject to the prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):

- To secure the removal of the existing Loxley House, to satisfy Policy DM32 preventing the provision of a new residential development outside of settlement in an isolated and unsustainable location which would be detrimental to the character and appearance of the countryside.

Case Officer: Joanna Russell