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| <b>REFERENCE NO -</b> 21/500168/FULL   |  |   |
| <b>APPLICATION PROPOSAL</b><br>Demolition of the existing dwelling Loxley House and the erection of replacement dwelling with amenity space, landscaping and access.   |  |   |
| <b>ADDRESS</b> Loxley House Gravelly Bottom Road Kingswood Maidstone Kent ME17 3NT   |  |   |
| <b>RECOMMENDATION</b> Refuse planning permission   |  |   |
| <b>SUMMARY OF REASONS FOR RECOMMENDATION</b><br>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.                     |  |   |
| <b>REASON FOR REFERRAL TO COMMITTEE</b><br>Cllr Powell noticed that the application has been submitted with a 30% bulk reduction and a new landscape assessment statement and he considers the amendments to be a sufficient change to warrant a discussion at committee.<br><br>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. |  |   |
| <b>WARD</b><br>Leeds   | <b>PARISH/TOWN COUNCIL</b><br>Broomfield & Kingswood | <b>APPLICANT</b> Mr Robert Schroeder<br><b>AGENT</b> DHA Planning |
| <b>TARGET DECISION DATE</b><br>02.04.2021  |  | <b>PUBLICITY EXPIRY DATE</b><br>08/02/21                          |

**Relevant recent planning history**

- 20/502679/FULL Demolition of the existing dwelling Loxley House and the erection of replacement dwelling with amenity space, parking, landscaping and access (Re-submission of 19/503648/FULL). Withdrawn Decision Date: 06.08.2020
- 19/503648/FULL Demolition of the existing dwelling Loxley House and the erection of replacement dwelling with amenity space, parking, landscaping and access. Refused for the following reasons on 25.10.2019:

*"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".*

- 18/505289/FULL Demolition of existing dwelling (Loxley House) and erection of a replacement dwelling with amenity space, parking, landscaping and access. (Resubmission of 18/503087/FULL) Withdrawn 18.12.2018
- 18/503087/FULL Demolition of existing dwelling (Loxley House) and erection of a replacement dwelling with amenity space, parking, landscaping and access. Refused 09.08.2018.

99/1580 Certificate of Lawfulness in respect of the use as a sole dwelling house for a period in excess of four years. Permitted 21.10.1999

*(NB: Only most recent and more relevant planning history is provided in the report. Applications for a replacement dwelling on this site have been submitted on nine separate occasions with seven decisions to refuse permission and applications withdrawn twice. Appeals made against the refusal of permission have been dismissed three times.)*

## **MAIN REPORT**

### **1. DESCRIPTION OF SITE**

- 1.01 The site of 0.31 hectares is located within open countryside, outside of any settlement boundaries as defined in the Local Plan. It consists of two rectangular parcels, located off the north side of Gravelly Bottom Road, to the west of the settlement of Kingswood.
- 1.02 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.
- 1.03 The existing dwelling referred to as Loxley House was previously used as a village hall but 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.
- 1.04 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 are located to the north of the site, with the barn currently accommodating 'Kingswood Christmas Trees'..

### **2. PROPOSAL**

- 2.01 The proposed dwelling would replace the existing single storey structure known as 'Loxley House'. The proposed dwelling would be sited approximately 25-30m south of the existing structure. The footprint of the development proposal would be approximately 300 square metres.
- 2.02 The two storey contemporary style dwelling would be constructed in an 'L' shaped block with a flat roof. The middle section of the principle elevation at first floor level would be set back some 2.5 metres from the remainder of the façade. The height of the proposed development would be 6 metres, with the single storey element to the rear being 3.1 metres in height.
- 2.03 The ground floor of the dwelling would have a kitchen, living room, dining room, study, utility room, guest bedroom with ensuite, and WC. The first floor would have four bedrooms, three with ensuites and two with dressing rooms, a studio and a separate bathroom. The contemporary styled property would be constructed in blockwork with white painted render, zinc cladding and natural timber cladding on the walls, a sealed membrane black roof with Sedum, and powder coated anthracite grey windows and doors.
- 2.04 As part of the proposal 2 no. parking spaces with a turning area would be provided on hardstanding located to the south of the dwelling (to the front), with the main entrance door facing this parking area. 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 Gravelly Bottom Road.

### **3. POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan 2017 SP17, DM1, DM23, DM30, DM32  
Supplementary Planning Documents: Maidstone Landscape Character Assessment  
National Planning Policy Framework (NPPF)

#### **4. LOCAL REPRESENTATIONS**

##### **Local Residents:**

- 4.01 No representations received from local residents raising the following (summarised) issues.

#### **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)

##### Broomfield Parish Council

- 5.01 No objection

##### Minerals and waste

- 5.02 The County Council has no objection to proposal regarding minerals or waste safeguarding matters.

##### Natural England

- 5.03 No comment

##### KCC Highways

- 5.04 The development proposal does not meet the criteria to warrant involvement from the Local Highway Authority in accordance with the current consultation protocol arrangements. An informative is requested regarding development on highways owned land.

#### **6. APPRAISAL**

##### **Main Issues**

- 6.01 The key issues for consideration relate to:

- Sustainability
- Visual impact
- Residential amenity
- Highways
- Biodiversity
- Other matters

##### **Sustainability**

- 6.02 Para 4.27 of the supporting text for SS1 states that, 'It is important that the quality and character of the countryside outside of settlements in the hierarchy is protected and enhanced'

- 6.03 The application site is in an unsustainable location for a new dwelling. Whilst in an unsustainable location, the proposal is for a replacement dwelling and, as such, would be considered against Local Plan policy DM32 (Rebuilding and extending dwellings in the countryside). As there is an existing dwelling, policy DM32 does not consider the sustainability of the location but does consider matters such as visual impact. An assessment against policy DM32 follows in the next section.

##### **Visual impact**

- 6.04 Policy SP17 defines the countryside as, '...all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policy map.' It continues, '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.'

- 6.05 Policy DM1 sets out that the topography of sites should reflect and respond to their location. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character around the site boundaries should be used as a positive tool to help assimilate

development in a manner which reflects and respects the local character of the area. In addition, DM30 states that the type, siting, materials and design, mass and scale of development would maintain or where possible enhance local distinctiveness including landscape features.

- 6.06 Policy DM32 allows for replacement dwellings providing the original property has a lawful and permanent residential use, the replacement would not be more visually harmful than the original dwelling. A development should be visually acceptable in the countryside and result in the demolition of the original dwelling.
- 6.07 In this case, the existing dwelling has a lawful residential use (under 99/1580) and does not result from a temporary planning permission. A s106 unilateral undertaking has been submitted by the applicant to ensure the demolition of the existing building in the event that planning permission is granted.
- 6.08 Policy DM32 states that permission will be granted where *"The mass and volume of the replacement dwelling is no more visually harmful than the original dwelling"* and *"The replacement dwelling would result in a development which individually or cumulatively is visually acceptable in the countryside"*.
- 6.09 An annotated photograph has been provided of the existing building, highlighting a single storey rectangular, timber clad building with a pitched roof and gable ends to the front and rear of the property. The dimensions set out that the floor area of the building is approximately 82 square metres (6.4 metres x 12.8 metres). The existing building has a roof eaves height of 2.7 metres and a ridge height of 3.8 metres.
- 6.10 The proposed dwelling has a footprint of approximately 310 square metres, this is some 160sqm larger (114%) than the existing dwelling currently on site. The two storey building would be significantly larger than the existing single storey building.
- 6.11 In terms of the landscape visual assessment submitted in support of the proposal, there is an emphasis on the limited visibility into the site. It is considered inappropriate to justify unsuitable development in the countryside on the basis of thick screening landscaping.
- 6.12 In the most recent appeal decision, the Inspector commented, *"While I appreciate that they may provide some screening, the replacement dwelling's appearance would be completely at odds with these buildings adding further to its visual impact as it would dominate this low key group and would also be far more intrusive than the nearby dwelling, The Cottage"*.
- 6.13 The proposed dwelling would be sited approximately 25-30m south of the existing dwelling on the site. The new location of the proposed building is within an area of greater visual sensitivity, being on open and substantially more prominent land; with the topography rising up from the road. The site is located within the Kingswood Plateau landscape character, which is defined as being in good condition with moderate sensitivity and guidelines to conserve and reinforce.
- 6.14 The appeal Inspector noted *"Given the topography of the site, limited views of the proposal would be gained from Gravelly Bottom Road as the appellant points out. Some screening and landscaping may help to integrate the proposal into its setting. However, as my colleague dealing with a previous appeal pointed out, the fact that limited views might be gained of a proposal is not a good reason to allow development of this nature as it is an argument that could be repeated too often to the detriment of the character and appearance of the countryside"*.
- 6.15 The submitted proposal would result in an incongruous development proposal which would fail to conserve and reinforce the character of the locality. The proposal would

and would be a harmful addition to an area of the countryside which is in good condition and moderately sensitive to change.

- 6.16 The proposed building is substantially larger than the existing dwelling it is replacing but also significantly larger than neighbouring residences permitted to the north (PD applications) and that to the west (The Cottage). This proposal would result in an obtrusive dwelling in this setting due to its size and its more prominent location closer to Gravelly Bottom Road contrary to policies SP17, DM1, DM30 and DM32 of the Maidstone Local Plan.
- 6.17 The appeal Inspector concludes "*Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The proposal would fail to do this as it would result in an overly large, bulky and visually intrusive dwelling at odds with its surroundings.*"

#### **Residential amenity**

- 6.18 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. These aims will be achieved by ensuring that development does not result in, or is exposed to, overlooking or visual intrusion. Built form should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.19 The orientation, position of the fenestration and separation distances to neighbouring properties of between 15 and 25 metres are sufficient to alleviate any significant loss with regard to light, outlook or privacy. A replacement dwelling would be unlikely to result in an unacceptable increase in noise and disturbance.

#### **Highways**

- 6.20 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.
- 6.21 Local plan policy DM23 states that car parking standards for residential development will take into account the type, size and mix of dwellings and the need for visitor parking; and secure an efficient and attractive layout of development whilst ensuring that appropriate provision for vehicle parking is integrated within it.
- 6.22 The Council's parking standards requires houses with 4+ bedrooms in rural areas to provide 2 independently accessible 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**

- 6.23 Policy DM3 seeks to protect and enhance the natural environment. A phase 1 habitat survey was submitted with the application. This is considered satisfactory and there is no requirement for further surveys to be carried out as the majority of the habitat around the perimeter of the site is to be retained.

#### **Other Matters**

- 6.24 The submitted application includes photos of some of the neighbouring properties which are mainly modest bungalows or chalet style bungalows. Some reference has been made to permissions approved for larger replacement buildings, both before the current application was submitted, and within the landscape statement.
- 6.25 On these applications the proposed dwellings were all set back into the sites, whereas this planning proposal would be substantially closer to Gravelly Bottom

Road. The current dwelling on the application site that is due to be demolished is set right back in line with neighbouring properties, and located well away from the road, again in a similar location to the neighbouring properties. In addition, all the precedents raised were dealt with under the previous Local Plan.

- 6.26 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.

#### **PUBLIC SECTOR EQUALITY DUTY**

- 6.27 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

### **7. CONCLUSION**

- 7.01 The demolition of the existing residential dwelling for a new 4 bedroom dwelling would constitute a replacement dwelling under Policy DM32 of the Local Plan.
- 7.02 Whilst a replacement dwelling would be broadly acceptable in policy terms, the proposed development, by way of its siting, scale, massing and volume would result in a significantly more visually intrusive building than the original dwelling which would cause greater material harm to the character and appearance of the countryside.

### **8. RECOMMENDATION**

REFUSE planning permission for the following reason:

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.

### **INFORMATIVES**

- 1) The plans taken into consideration in reaching the decision to refuse planning permission are:
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| 12 Jan 2021 | Application Form                                   |
| 12 Jan 2021 | DHA/11448/04 Proposed Ground Floor Plan            |
| 12 Jan 2021 | DHA/11448/05 Proposed First Floor Plan             |
| 12 Jan 2021 | DHA/11448/06 Rev A Proposed Roof Plan              |
| 12 Jan 2021 | DHA/11448/07 Proposed South and West Elevations    |
| 12 Jan 2021 | DHA/11448/08 Proposed North and East Elevations    |
| 12 Jan 2021 | DHA/11448/11 Site Location Plan                    |
| 12 Jan 2021 | DHA/11448/12 Existing Site Layout Plan             |
| 12 Jan 2021 | DHA/11448/13 Rev B Proposed Site Layout Plan       |
| 12 Jan 2021 | Landscape and Visual Assessment                    |
| 12 Jan 2021 | Photograph (Annotated) of Existing Dwell...        |
| 12 Jan 2021 | Preliminary Ecological Appraisal                   |
| 12 Jan 2021 | Design and Access Statement Inc Planning Statement |

Planning Committee

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- 2) You are advised that as of 1st October 2018, the Maidstone Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website [www.maidstone.gov.uk/CIL](http://www.maidstone.gov.uk/CIL)

Case Officer: Jocelyn Miller