

<b>REFERENCE NO -</b> 21/500768/FULL		
<b>APPLICATION PROPOSAL</b> Demolition of garage and erection of 1no. three-bedroom dwelling with associated access, carport, parking and landscaping.		
<b>ADDRESS</b> Pine Cottage Ashford Road Hollingbourne Maidstone Kent ME17 1XH		
<b>RECOMMENDATION</b> GRANT PLANNING PERMISSION subject to planning conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposal by virtue of its design, scale, layout and appearance would not have a detrimental effect on the character and appearance of the area.  The principle of development has previously been found to be acceptable by the Planning Inspector who allowed the appeal against 15/504418/OUT. There has been no material change in circumstances since this earlier appeal decision that would justify a change from this position.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Hollingbourne Parish Council have requested that the item be heard by the committee due to the impact on the character and appearance of the neighbouring properties and as the Parish Council consider the proposal encourages urbanisation of the rural landscape.		
<b>WARD</b> North Downs	<b>PARISH/TOWN COUNCIL</b> Hollingbourne Parish Council	<b>APPLICANT</b> Mr. Sam & Mrs. Cassie Hunt  <b>AGENT</b> Mr. Jonathan Williams
<b>TARGET DECISION DATE</b> 01. 07. 2021 (EOT)		<b>PUBLICITY EXPIRY DATE</b> 03.06.2021

**Relevant planning history**

- **14/0768** - Outline application for the construction of two 4-bedroom houses with all matters reserved for future consideration. Refused
- **15/504420/OUT** - Outline application for the construction of two 4-bedroom houses with all matters reserved for future consideration. (Revised submission of 14/0768) Refused
- **15/504418/OUT** - Outline (All matters reserved) - Construction of one 4-bedroom house Allowed on Appeal 26.03.2016 (appeal reference APP/U2235/W/15/3139288). In summary the Inspector concluded:
  - "...future occupiers of the proposed dwelling would have an acceptable range of transport options other than the private car. As such, the appeal site location would facilitate sustainable travel patterns and would offer, albeit modest, support to local services and facilities in Bearsted. Consequently, the proposal would accord with paragraphs 17, 29, 30 and 55 of the Framework insofar as they promote sustainable transport solutions and the maintenance of rural communities".
  - "...whilst I recognise that the appeal site adjoins open countryside to the south and west, its immediate setting is reasonably well contained by built development and planting. There is nothing to suggest that the site is prominent in the wider landscape. Although limited information has been provided on the scale and layout of the proposed dwelling, the Feasibility drawing submitted with the application indicates that it could be accommodated whilst retaining and reinforcing existing boundary planting..."

- **18/501617/REM** - Approval of reserved matter pursuant of outline application 15/504418/OUT (allowed on appeal - APP/U2235/W/15/3139288) for construction of house (all matters being sought). Approved

## **MAIN REPORT**

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

- 1.01 The application site relates to the side and rear garden of 'Pine Cottage', a detached chalet bungalow on the south side of Ashford Road (A20).
- 1.02 The site is located within the countryside for planning purposes and within the Len Valley Landscape of Local Value. The site is approximately 1.5km east of the edge of the urban area of Bearsted and 680m west of Junction 8 of the M20.

Fig 1: Comparison 18/501617/REM and current the proposal, site plan and front elevation



- 1.03 On the south side of the A20 there are sporadic houses and a caravan and camping site adjoining the application site to the east. There is an open arable field to the west and south of the site.
- 1.04 The site is located in Flood Zone 1. The Local Plan designated employment site of Woodcut Farm EMP1(4) is located on the north side of Ashford Road, and almost directly opposite the application site.
- 1.05 The previously approved planning permission (15/504418/OUT & 18/501617/REM) for a detached 4-bedroom house on the application site, expired on the 13 June 2020.

## **2. PROPOSAL**

- 2.01 This application is for the erection of 3-bedroom detached house alternative to that approved under 15/504418/OUT & 18/501617/REM.
- 2.02 The proposal occupies a smaller footprint than the previously approved house. The dwelling would be set back more than 16m from the road; it would stand some 6.6 metres high and 12m wide, with a depth of 7.7m. The dwelling has a footprint of approximately 106 square metres.
- 2.03 The existing garage is to be demolished and a single storey car port is to be erected in the north eastern corner of the plot. The scheme makes provision for 3 car parking spaces.
- 2.04 The dwelling would be constructed of grey/white render and vertical timber cladding and a slate roof.

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

- Maidstone Borough Local Plan 2017: Policies SS1, SP17, DM3, DM8, DM12, Policy DM23 and DM30.
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

## **4. LOCAL REPRESENTATIONS**

### **Hollingbourne Parish Council**

- 4.01 The Parish Councillors have objected to the application, as it is considered harmful to the character and appearance of neighbouring properties and is encouraging urbanisation in a rural landscape.

### **Local Residents**

- 4.02 No comments were received from local residents.

## **5. CONSULTATION RESPONSES**

### **KCC Highways**

- 5.01 There are no highway implications associated with the proposals, as the proposed dwelling will use a current access located off the A20. Recommend standard condition on highway approvals.

## **6. APPRAISAL**

### **Main Issues**

- 6.01 The key issues for consideration relate to:
- Principle of development
  - Impact on character and appearance of the area
  - Residential amenity
  - Highways impacts & parking

### **Principle of the development**

- 6.02 Policy SS1 of the adopted Maidstone Borough Local Plan states that the Maidstone urban area will be the principal focus for development with the secondary focus being rural service centres. The policy also allows for some development within some larger villages.
- 6.03 Whilst located in the countryside the application site is located close to the designated employment site of Woodcut Farm. In allowing the previous appeal for a new dwelling on this site the appeal Inspector found that the occupiers of the dwelling would have an acceptable range of travel options. The Inspector found no reason to object on the sustainability of the location.

**Impact on character and appearance of the area**

- 6.04 Policy SP17 of the Local Plan states that development proposals in the countryside will not be permitted unless they accord with other policies in the plan and they will not result in harm to the character and appearance of the area.
- 6.05 Policy DM30 states that proposals which would create high quality design, will be permitted. The type, siting, materials and design, mass and scale of development should maintain, or where possible, enhance local distinctiveness including landscape features. 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.
- 6.06 The site forms part of the garden area to the side of Pine Cottage, a substantial chalet bungalow fronting the A20. The front part of the site is currently occupied by a detached garage. The boundaries of Pine Cottage are marked by established planting. Bearsted Caravan Park adjoins the eastern boundary of the site and extends a considerable distance further south.
- 6.07 As established by the appeal Inspector, whilst the site adjoins open countryside to the south and west, its immediate setting is reasonably well contained by built development and planting. Appropriate boundary planting, which includes retaining and reinforcing the existing boundary planting has been proposed. The existing and proposed landscaping will limit the visual impact of the proposal on the wider landscape.
- 6.08 The proposed detached dwelling would be sited adjacent to the neighbouring bungalow and would reflect the front building line. The proposal would also make use of the existing vehicle access from Ashford Road, as such, there is no impact on the existing planting. The footprint of the proposed dwelling is smaller than that previously approved and the dwelling would sit well within its plot and would not overwhelm the adjacent property.
- 6.09 The proposed house is of chalet-style design with a low eaves height and incorporates a large dormer window on the principal and two gabled roof side elevations. In terms of appearance, the building has vertical timber cladding and grey/white render for the walls, a slate roof and dark grey UPVC doors and windows. These materials are considered acceptable and the quality of these materials can be secured through a condition.
- 6.10 The car port proposed is single storey, gable ended and is to be constructed with same materials proposed for the main dwelling.
- 6.11 General landscaping details have been submitted, which detail the retention of trees to the front of the site and boundary planting in the rear garden. It is considered that this level of planting is acceptable. In the interests of visual amenity a planning condition is recommended to secure specific details of the landscape scheme.
- 6.12 Overall the design of the new dwelling is in keeping with the character and appearance of the surrounding area and would comply with policies SP17 and DM30. In allowing the appeal, the appeal Inspector found that the dwelling would not have an unacceptable impact on the character of the area. The detailed design of the dwelling was subsequently approved by the Council under ref: 18/501617/REM.

### **Residential amenity**

- 6.13 Policy DM1 of the adopted Local Plan advises that proposals will be permitted where they “respect the amenities of occupiers of neighbouring properties...by ensuring that development 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.
- 6.14 The proposal, given its scale, design and siting would not have an adverse impact upon the amenity of the occupants of Pine Cottage. The side openings of Pine Cottage closest to the proposal are either obscure glazed and non-habitable rooms or secondary sources of light to a room. The proposed new dwelling would not extend beyond the existing rear wall of Pine Cottage
- 6.15 It is considered that the proposal would not have an adverse impact upon the neighbouring holiday caravan park, including in respect of noise, light, privacy and outlook.
- 6.16 Policy DM1 of the adopted Local Plan advises that proposals will be permitted where they “...provide adequate residential amenities for future occupiers of the development by ensuring that development is not exposed to, excessive noise,...air pollution, activity or vehicular movements, overlooking or visual intrusion...”.
- 6.17 The proposed new dwelling is designed to an appropriate standard in relation to internal layout and provides adequate amenities for future residents including in terms of daylight, sunlight and privacy. The new dwelling will have a rear garden area of significant size for the new occupiers. The proposal will comply with the general requirements of policy DM1.

### **Highways and parking**

- 6.18 Policy DM30 states that proposals which would create high quality design, will be permitted. Proposals will be permitted which would not result in unacceptable traffic levels on nearby roads; unsympathetic change to the character of a rural lane which is of landscape.
- 6.19 The proposal would make use of the existing vehicle access which has adequate driver visibility splays. The dwelling will benefit from parking for 3 cars, all of which are located within the proposed car port situated in the north eastern corner of the site.
- 6.20 The minimal increase in vehicular traffic as a result of the development can adequately accommodated on the road network and would not have any implications for highway safety.

### **Biodiversity and landscaping.**

- 6.21 Policy DM3 of the Local Plan states that “...*developers will ensure that new development protects and enhances the natural environment*”.
- 6.22 The application site is currently a managed domestic garden with limited biodiversity value. The submitted proposal indicates that boundary planting and trees will be retained on the site.
- 6.23 Planning conditions are recommended seeking details of additional landscaping and its implementation and ecology enhancements on the site. With these measures the proposal is considered in line with policy DM3.

**Other matters**

- 6.24 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 proposal by virtue of its design, scale, layout and appearance would not have a detrimental effect on the character and appearance of the area. Whilst in the countryside the application site is acceptable in relation to the sustainability of the location and this was confirmed by the previous appeal Inspector.
- 7.02 The principle of development has previously been found acceptable by the Planning Inspector who allowed the appeal against 15/504418/OUT. There has been no material change in circumstances since this earlier appeal decision that would justify a change from this position.
- 7.03 The application is therefore recommended for approval, subject to conditions.

**8. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following planning conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of the 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 and documents:  
Site Location Plan – Drawing no. 21.02.03  
Existing Garage Plans, Elevations & Block Plan - Drawing no 21.02.01  
Proposed Additional Dwelling Plans, Elevations & Block Plan - Drawing no 21.02.02  
Proposed Car Port Plans & Elevations - Drawing no 21.02.04  
Arboricultural Impact Assessment - Drawing no 1992\_02  
Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents.
- 3) The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.  
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- 4) The development hereby approved shall not commence above ground level until, written details and samples of the materials to be used in the construction of the external surfaces of the building and hard surfaces shall be submitted to and

approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

- 5) The development hereby approved shall not commence above ground level until a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land and on adjoining sites, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management, shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012. The landscaping of the site shall be carried out in accordance with the approved details over the period specified.

Reason: To ensure a satisfactory appearance to the development.

- 6) The approved landscaping shall be in place by the end of the first planting and seeding season following occupation of the dwelling. Any trees or plants, which, within a period of 5 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.

Reason: In the interest of visual amenity of the area.

- 7) The development hereby approved shall not commence above ground level until details of a scheme for the enhancement of biodiversity on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through at least one method integrated into the buildings structure including swift bricks, bat tubes or bee bricks, and additionally though provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. The development shall be implemented in accordance with the approved details prior to first use of the building and all features shall be maintained permanently thereafter.

Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.

- 8) Before the dwelling hereby permitted is first occupied, all proposed first floor side windows shall be obscure glazed and incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To safeguard amenity of neighbouring properties and future occupants.

- 9) Prior to the commencement of development, details of decentralised and renewable or low-carbon sources of energy to be used as part of the approved development shall have been submitted to and approved in writing by the Local Planning Authority including details of how they will be incorporated into the development. The approved measures shall 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. Details are required prior to commencement of development to ensure that the widest range of options are available (i.e. ground source heat pumps).

- 10) Prior to first occupation of the dwelling hereby approved a minimum of one electric vehicle charging point and secure cycle storage shall be in place and operational that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging point and the cycle storage shall be maintained for the lifetime of the development in accordance with the approved details.

Reason: In order to promote sustainable travel choices in accordance with the NPPF.

- 11) Prior to the commencement of the development hereby approved details of foul and surface water drainage, incorporating sustainable drainage principles, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in strict accordance with the approved plans prior to first occupation of the development hereby permitted and retained thereafter.  
Reason: To ensure that adequate drainage is provided for the development
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension to the property shall be carried out without the permission of the Local Planning Authority.  
Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.
- 13) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter; Any lighting plan submitted shall follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals.  
Reason: In the interest of amenity and wildlife

#### **INFORMATIVES**

- 1) 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. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

Case Officer: Connor Shingler