

REPORT SUMMARY

REFERENCE NO - 21/502845/FULL		
APPLICATION PROPOSAL Erection of a detached garage with office above (Resubmission of 21/501603/FULL).		
ADDRESS Weald Cottage Maidstone Road Staplehurst Tonbridge Kent TN12 0RE		
RECOMMENDATION : Refuse for reason set out in Section 8.0		
SUMMARY OF REASONS FOR REFUSAL Taking all of the below into account, it is concluded that the proposal does not comply with Development Plan Policy, the aims of the Council's adopted residential extensions guidelines and Central Government Guidance, and that there are no overriding material considerations to justify approval that outweigh the harm identified above, such that the proposed garage with office above would fail to respect the host dwelling, would be incongruous in the pattern of development along Maidstone Road, and would appear obtrusive and harmful to the character of the rural surroundings		
REASON FOR REFERRAL TO COMMITTEE The application has been called in by Councillor Perry on the grounds that there are no objections and it is a local business, which should be supported.		
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Mr C Birkby AGENT Richardson Architectural Designs
DECISION DUE DATE 16/07/21	PUBLICITY EXPIRY DATE 30/06/21	OFFICER SITE VISIT DATE 9/6/21
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 21/501603/FULL - Erection of a detached garage with office above and external staircase. – REFUSED Reason for refusal : By reason of its excessive footprint, height and bulk, and its position forward of and at right angles to the front building line of Weald Cottage, the proposed outbuilding would fail to respect the host dwelling, would be incongruous in the pattern of development along Maidstone Road, and would appear obtrusive and harmful to the character of the rural surroundings. To permit the proposal would therefore be contrary to Policies SP17, DM1, DM30 and DM32 of the Maidstone Borough Local Plan 2017, the Council's adopted residential extensions SPD, in particular paragraphs 5.28, 5.29, 5.30, 5.31 and 5.32, and the central government planning policy contained in The National Planning Policy Framework (February 2019). MA/07/0554 – Detached garage – REFUSED Reason for refusal: The proposed building, by virtue of its scale, cannot be considered to be modest and would be visually incongruous in the countryside and overwhelm Weald Cottage causing unacceptable harm to its character and appearance, contrary to policies ENV28 and H33 of the Maidstone Borough-Wide Local Plan 2000 and policies EN1, QL1 and HP5 of the Kent and Medway Structure Plan 2006.”		

MA/06/1591 - Demolition of garage, outbuildings and pool store and erection of new garage, store and pool house – REFUSED

Reason for refusal: The proposed additional garage, by virtue of its positioning in front of the existing property would result in a development that would be incongruous in a consistent pattern of development in the countryside and would be detrimental to the setting of Weald Cottage. The proposal is therefore contrary to policy H33 of the Maidstone Borough Wide Local Plan 2000 and policy QL1 of the Kent and Medway Structure Plan 2006.

MA/01/0048 – Two-storey side extension and two front dormers - APPROVED

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 This application relates to a domestic property within a ribbon of residential development on the west side of the A229, Maidstone Road, on the northern approach to Staplehurst. For planning purposes it is classed as countryside. It is also identified as having the potential for discovery of archaeological remains.

2.0 PROPOSAL

- 2.01 Planning permission is sought for the erection of a detached outbuilding with four enclosed parking bays on the ground floor, an external staircase, and a home office on the first floor. It would be positioned in the north-east corner of the site, backing onto the boundary with Abbottsdene to the north and just inside the front boundary hedge. This means that it would be forward of the front building line of Weald Cottage and at right-angles to it.
- 2.02 The building would have a footprint of approximately 12m x 5.6m, would stand 2.9m to the underside of the eaves and 5.7m to the ridge of the gabled roof. The front roof slope would feature four roof lights, plus there would be a large, three-light window in the gable-end facing the road and a glazed door at the other end leading onto the external staircase. Proposed materials are white hardieplank cladding and a tiled roof, both, it is stated, to match the existing house.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: SP17, DM1, DM3, DM23, DM30, DM32
Staplehurst Neighbourhood Plan (2016): Policy PW2
Supplementary Planning Documents: Maidstone Local Development Framework,
Residential Extensions Supplementary Planning Document (adopted May 2009)

4.0 LOCAL REPRESENTATIONS

A site notice was put up at the site on 9th June 2021, the consultation period is due to expire on 30th June 2021. Adjoining neighbours have been consulted with the consultation period expiring on 22nd June 2021. Both these dates expire after the publication of this report and the site notice expires after the Committee date. However it is not considered that this prejudices the Committee in their decision making and a consultation period for a very similar scheme expired on 13th May 2021, and as such those comments are included below for information :

- The occupier of Abbotsdene (to the north) wrote in support of the application, stating that the garage would have no detrimental effect on that property.

Any updates on representation received will be given to Members in the urgent updates or at the meeting.

5.0 CONSULTATIONS

5.01 Staplehurst Parish Council

Following consultation with Councillors, the Clerk, under delegated powers, recommends the application be REFUSED on the following grounds; the development would be contrary to policies SP17, DM1, DM30, and DM32 of the Maidstone Local Plan. It is also contrary to paragraphs 5.28, 5.29, 5.30, 5.31 and 5.32 in the section on Garages and Outbuildings in the Residential Extensions Supplementary Planning Document. It is also disappointing to note that the applicant has already removed much of the hedge and trees shielding the site from the road, resulting in the development site being obtrusive from the road and impacting on the street scene.

- 5.02 KCC Archaeology : No comments received (it should be noted no comments were received on the recently refused application)

6.0 APPRAISAL

6.01 The key issues for consideration relate to:

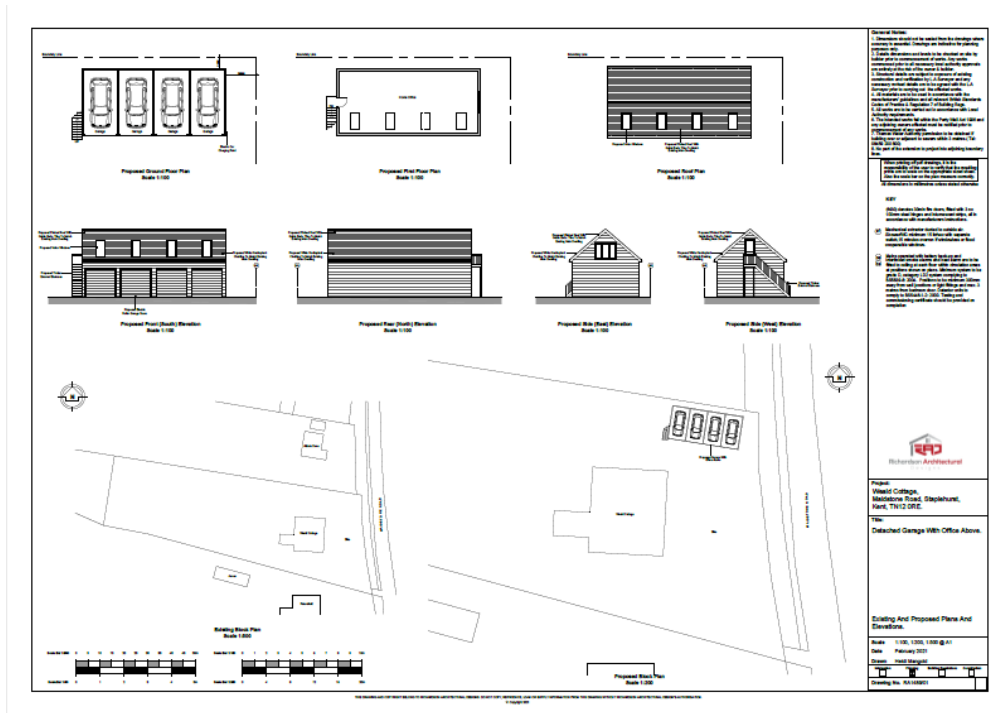
- Impact on visual amenity

Background

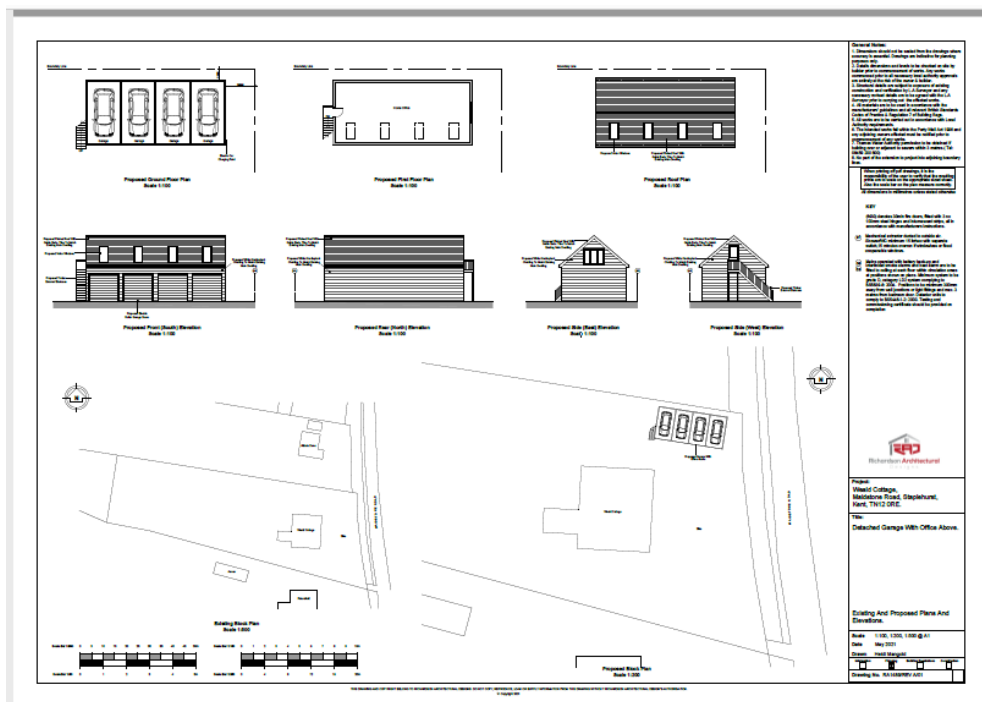
- 6.02 This application follows a very recent decision for essentially the same development under application reference 21/501603/FULL (refused 21st May 2021). This application was refused for the following reason :

By reason of its excessive footprint, height and bulk, and its position forward of and at right angles to the front building line of Weald Cottage, the proposed outbuilding would fail to respect the host dwelling, would be incongruous in the pattern of development along Maidstone Road, and would appear obtrusive and harmful to the character of the rural surroundings. To permit the proposal would therefore be contrary to Policies SP17, DM1, DM30 and DM32 of the Maidstone Borough Local Plan 2017, the Council's adopted residential extensions SPD, in particular paragraphs 5.28, 5.29, 5.30, 5.31 and 5.32, and the central government planning policy contained in The National Planning Policy Framework (February 2019).

6.03 The refused plans were as follows :



6.05 When compared to the now proposed plans (shown below) the differences are negligible. The agent in a supporting e-mail submitted in response to the Parish Council comments sets out that *'Yet this scheme is slightly smaller'*, however when measured the plans appear to be essentially the same dimensions.



Visual Impact

- 6.06 Local Plan Policy SP17, which deals with development in the countryside, states 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”*.
- 6.07 Policy DM30 sets out design principles in the rural area and states that proposals which would create high-quality design and meet the following criteria will be permitted: *“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...”*
- 6.08 With specific regard to the construction of new outbuildings to residential properties in the countryside, Policy DM32 states that *“proposals for the construction of new or replacement outbuildings (e.g. garages) should be subservient in scale, location and design to the host dwelling and cumulatively with the existing dwelling remain visually acceptable in the countryside.”*
- 6.09 In addition, the Council’s adopted residential extensions SPD sets out the following advice in relation to garages and outbuildings:
- “Garages and other outbuildings should not impact detrimentally on the space surrounding buildings. They must be smaller in scale and clearly ancillary to the property.”* (paragraph 5.28)
- “Their scale should not exceed what might reasonably be expected for the function of the building. Garages and outbuildings for domestic purposes do not normally need to exceed a single storey in height or have excessive volume.”* (paragraph 5.29)
- “There should be no adverse impact on the character or openness of the countryside.”* (paragraph 5.30)
- “The impact of a garage or other outbuilding would be greater if located in a prominent location where it would be highly visible...”* (paragraph 5.31)
- “Garages and outbuildings should not compete with the main house and consequently should be sympathetically positioned away from the front of the house...”* (paragraph 5.32)
- “In order to appear ancillary to the property, fit well with the street scene and prevent a detrimental impact on neighbouring properties... garages and outbuildings should not generally be located in front of the building line of domestic properties.”* (paragraph 4.46)
- 6.10 In this instance, the proposed building would not only be located forward of the front building line of the host dwelling and neighbouring structures, but would also have an overly-large footprint (approximately 67m² plus the external staircase) and be of excessive height and bulk, especially due to the high eaves level (approximately 2.9m to the underside) and the gable-ended roof design. It would effectively be a two-storey structure, which is contrary to paragraph 5.29 of the Council’s adopted residential extensions SPD (adopted May 2009).
- 6.11 Moreover, at four parking-bays wide with an additional large home office across the whole of the upper floor (internal floor area of approximately 60m²), lit by a large

gable-end window, the glazed door and four roof lights, I also consider the building would be excessive for what might be reasonably expected for its function as a domestic outbuilding incidental to the use of the main house, which would also be contrary to the adopted residential extensions guidelines.

- 6.12 Furthermore, as a result of its excessive height and bulk in combination with its dominant position forward of the front building line of the dwelling and at right angles to it, I do not consider that the proposed building would appear subordinate to the host dwelling. Indeed, at 5.7m high, it would be practically the same height as the host dwelling, and in some views may even appear taller than it due to the perspective and its more prominent position.
- 6.13 Even though there is no fixed building line along Maidstone Road, outbuildings in front of the front building line of the dwellings are not a feature of the pattern of development here. The proposed building would disrupt that pattern and appear out of keeping. In view of its excessive scale, the building would appear obtrusive and the harm would be even more apparent.
- 6.14 Although there is a hedge on the front boundary, that is deciduous, so would allow views through for approximately six months of the year, plus it is sparse in some places and its retention cannot be guaranteed in perpetuity in any case, thus the impact of a building of such excessive scale in the proposed position would not be adequately or acceptably mitigated in public views. Moreover, the adopted residential extensions SPD specifically states that *“Attempting to conceal what would otherwise be harmful development within the countryside would not accord with Government objectives. In any event, the planting... could not reasonably be secured in perpetuity”* (paragraph 5.13).
- 6.15 A building of such excessive footprint, height and bulk, is unjustified and would cause visual harm to the rural surroundings and the pattern of ribbon development along Maidstone Road. Two previous applications for garages have been refused on this site – one, a two-bay garage set forward of the front building line of the dwelling, refused because it would have been *“incongruous in a consistent pattern of development in the countryside and would be detrimental to the setting of Weald Cottage”* (MA/06/1591); and the other, a three-bay garage with home office on the upper floor (of commensurate height with the current proposal, but not as long), positioned behind the rear building line of the dwelling, refused because *“its scale, cannot be considered to be modest and [it] would be visually incongruous in the countryside and overwhelm Weald Cottage causing unacceptable harm to its character and appearance”* (MA/07/0554). The current application takes no account of this planning history, but rather combines the grounds of objection of both of those previous proposals into one – excessive scale and harmfully dominant position, out of keeping with the surrounding pattern of development. As such, the proposal would be contrary to the adopted Local Plan policies, central government planning policy, and the guidance set out in the Council’s adopted residential extensions SPD, in that it would fail to respect the host dwelling and would cause unacceptable harm to the character and appearance of the countryside. For this reason planning permission should be refused.

Other Matters

- 6.16 It is not considered that the proposal would result in a significant loss of light to any neighbouring residential occupiers, nor would it cause them a harmful loss of privacy or outlook, due to the distances involved.

6.17 The proposal would provide covered parking provision. No change is proposed to the access onto the A229.

6.18 In the absence of specialist advice to the contrary, and given the fairly limited (in terms of archaeological excavation) groundworks involved, I do not consider any archaeological mitigation measures to be justified in this instance.

6.19 In my judgement, no important trees would be lost. The Parish Council refer to some removal of vegetation. This would appear to have taken place at the access point into the site. The agent sets out in additional supporting comments to the Parish Council that :

The applicant has simply increased the width of their driveway by removing 600mm of hedge and a tree that was obstructing access and visibility.

The driveway was becoming increasingly dangerous as visibility was so poor when leaving the site on to Maidstone Road that they had no choice but to remove a small section of hedge and the tree. Access was also an issue for deliveries which has seen delivery vans stopping on Maidstone Road as they could not access the site due to the limited width driveway opening which again was causing potential danger/obstruction on this busy main road.

It is also to be noted that the small amount of hedge and tree that was removed is on the complete opposite site of the site, approximately 32metres away, to the proposed location of the garage therefore to comment that the development would be obtrusive from the road and impacting on the street scene is simply not the case as the hedges have not been altered or removed where the garage is proposed to be located, therefore the natural screening / shielding remains completely as existing and unchanged.

6.20 In terms of the hedge removal this would appear to be minimal, comments regarding the existing planting acting as screening are addressed in more detail above (paragraph 6.14)

6.21 Policy DM1 of the local plan sets out at point viii that proposals should ‘*protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide mitigation.*’ Due to the nature and relative scale of the proposal and the existing residential use of the site, it is not considered appropriate/necessary to require any ecological surveys. However, the NPPF encourages the enhancement of biodiversity in the interests of sustainable development and consequently, had the development been found acceptable in all other respects, it would have been appropriate to attach a condition requesting that some form of on-site enhancement be provided either on the new outbuilding or within the curtilage.

6.22 The comment from Councillor Perry makes reference to local economic issues, but does not explain what these are. However, the application property is a domestic dwelling and the application is a householder application, so does not involve a change of use, plus there is nothing within the application to indicate that this building is in any way required for a business purpose. I noted a B&B sign outside during my site visit, but as stated, the application does not attempt to justify the development on that basis. The agent has set out in supporting statement in response to the Parish Council comments that the office space is ‘*to allow the applicant to work from and run his business from home.*’, but again this justification is limited and does not provide any further detail, nor any justification for the siting or size of the garage/office space.

6.23 Moreover, I do not consider that it is unacceptable in principle for the property to be provided with either a new garage or a home office, but these need to be achieved in a way that is not visually harmful. The plot is large and could easily accommodate structures of more appropriate design and scale in a less harmful location. As such, I am not persuaded that this application is the sole means of providing garaging and a home office for Weald Cottage, and am certainly not convinced that this solution is the least harmful.

7.0 CONCLUSION

7.01 Taking all of the above into account, I conclude that the proposal does not comply with Development Plan Policy, the aims of the Council's adopted residential extensions guidelines and Central Government Guidance, and that there are no overriding material considerations to justify approval that outweigh the harm identified above. Nor does this re-submission take into account the very recent decision on the site and does not overcome those previous concerns. I therefore recommend refusal for the reasons set out below.

8.0 RECOMMENDATION – REFUSE for the following reasons following the expiry of the consultation period on 30th June 2021:

By reason of its excessive footprint, height and bulk, and its position forward of and at right angles to the front building line of Weald Cottage, the proposed outbuilding would fail to respect the host dwelling, would be incongruous in the pattern of development along Maidstone Road, and would appear obtrusive and harmful to the character of the rural surroundings. To permit the proposal would therefore be contrary to Policies SP17, DM1, DM30 and DM32 of the Maidstone Borough Local Plan 2017, the Council's adopted residential extensions SPD, in particular paragraphs 5.28, 5.29, 5.30, 5.31 and 5.32, and the central government planning policy contained in The National Planning Policy Framework (February 2019).

Case Officer: Rachael Elliott

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