

## REPORT SUMMARY

<b>REFERENCE NO:</b> - 22/501606/FULL		
<b>APPLICATION PROPOSAL:</b> Erection of a replacement dwelling. (Resubmission of 21/504862/FULL)		
<b>ADDRESS:</b> Ringles Gate, Grigg Lane, Headcorn Ashford, Kent, TN27 9LY		
<b>RECOMMENDATION:</b> REFUSE PERMISSION		
<b>SUMMARY OF REASONS FOR REFUSAL:</b> <ul style="list-style-type: none"> <li>The development would introduce an unduly dominant and imposing building in the street scene that would have a harmful impact upon the character and appearance of the area.</li> <li>Development would conflict with Policies DM1, DM30 and SP17 of the Local Plan and the NPPF which seek, to ensure that development <ul style="list-style-type: none"> <li>- does not harm the character and appearance of the area,</li> <li>- has regard to the scale, height, and site coverage and is</li> <li>- sympathetic to local character and the surrounding built environment.</li> </ul> </li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> <ul style="list-style-type: none"> <li>The application has been called in by a ward member should the case officer be minded to refuse the application. This is on the basis that the development would not have a harmful impact upon the wide area, being seen in the context of other development in the area.</li> </ul> <p>Any approval of the current application would represent a departure from SP17 and DM32 of the adopted Local Plan.</p>		
<b>WARD:</b> Headcorn	<b>PARISH/TOWN COUNCIL:</b> Headcorn	<b>APPLICANT/AGENT:</b> Mr Douglas Hodson / Mrs Heidi Mangold
<b>CASE OFFICER:</b> William Fletcher	<b>VALIDATION DATE:</b> 28/03/2022	<b>DECISION DUE DATE:</b> 01/07/2022
<b>ADVERTISED AS A DEPARTURE: YES</b>		

## RELEVANT PLANNING HISTORY

Application Site			
App No	Proposal	Decision	Date
21/504862/FULL	Erection of a replacement dwelling. Refused on the following grounds:  The development would introduce an unduly dominant and imposing building in the street scene that would have a harmful impact upon the character and appearance of the street scene and this rural area. The	Refused	26/11/2021

	development would conflict with Policies DM1, DM30, DM32 and SP17 of the Local Plan and the National Planning Policy Framework (2021)		
21/500065/LAWPRO	Lawful Development Certificate for a proposed single storey side extension.	Certificate Granted	02/02/2021
20/505859/PNEXT	Prior notification for a proposed single storey rear extension which: A) Extends by 8 metres beyond the rear wall of the original dwelling. B) Has a maximum height of 2.65 metres from the natural ground level. C) Has a height of 2.65 metres at the eaves from the natural ground level.	Prior Approval Not Required	27/01/2021
14/500656/FULL	Demolition of existing property and erection of detached dwelling.	Refused - Appeal Withdrawn	12/05/2021
06/1808	Demolition of existing dwelling and erection of a replacement dwelling as shown on drawing number DHA/4959/01, 02, 03, 04 and supported by the design and access statement received on 28/09/06.	Approved	23/11/2006
<b>Adjoining Site (Land Between Ringleside &amp; Ringles Gate)</b>			
17/500984/FULL	Erection of detached, two-storey house with parking. Refused on the following grounds:  The site is outside of any settlement as defined in the Maidstone Borough Local Plan 2017 and the development of this site with a new house of the design, scale and proportions proposed would result in significant harm to the character and appearance of the street scene and immediate context of the site, failing to promote local distinctiveness and would result in an overly prominent and visually obtrusive dwelling, infilling a currently open gap in	Refused	08/12/2017

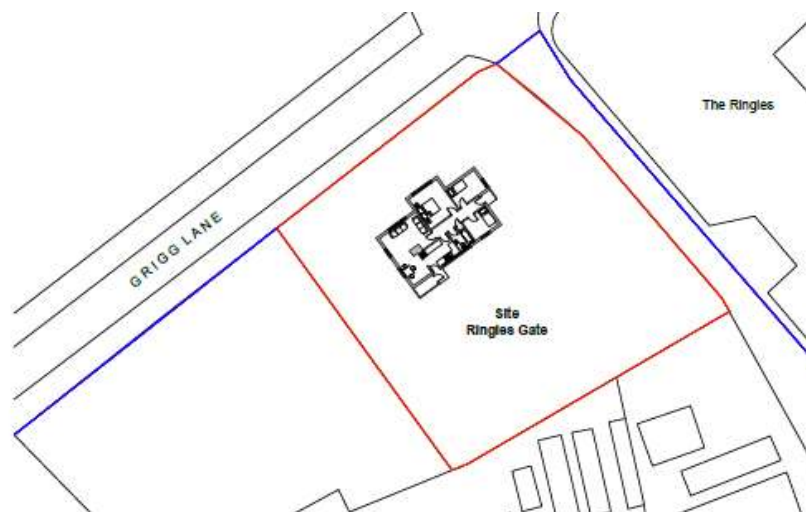
	development contrary to the National Planning Policy Framework 2012, National Planning Practice Guidance 2013 and Policies SP17, DM1 and DM30 of the Maidstone Borough Local Plan 2017.  Appeal Dismissed (see appendix 1)		
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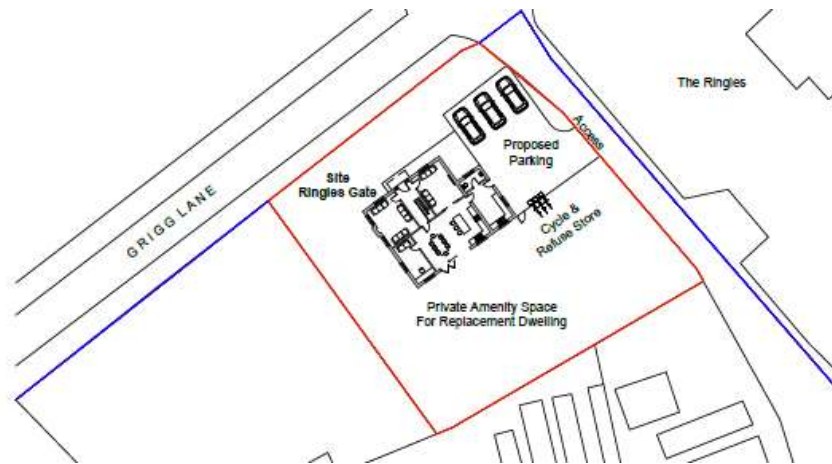
## 1.0 DESCRIPTION OF SITE

1.01 The dwelling on the application site 'Ringles Gate' is a single storey timber clad bungalow, the site is laid to grass and bounded on all sides by mature hedging. To the rear (south) of the site is Ringles Nursery that contains a number of larger buildings and glasshouses. Dwellings are dispersed throughout the area and are generally sited within decent sized plots. Approximately 50m to the dwellings northeast is the two-storey dwelling 'Ringles'.

1.02 In policy terms the application site is within the countryside but otherwise is not within any other policy designation i.e. Kent Downs Area of Outstanding Natural Beauty. The site as it exists now is depicted in the first image below, with the second image showing the site if the current application is approved.

**Image 1: Current layout at the top, with proposed at the bottom.**





## 2.0 PROPOSAL

2.01 The dwelling as it exists is a single storey bungalow 4.8m in height, 12.7m in depth and 7.6m in width. The application, which follows a previous refusal, seeks to replace the existing timber bungalow with a two storey brick built dwelling which would be 8.2m in overall height with eaves of 5m with its gabled roof form, 10.2m in depth and 10.25 m in width. Please see the drawings below detailing the existing, previous, and current front elevations.

**Image 2:**  
**Existing elevation (top drawing),**  
**21/504862/FULL elevation (middle drawing – previously refused),**  
**22/501606/FULL elevation (bottom drawing–current application).**





- 2.02 The existing dwelling has parking at the rear of the site which is accessed via the rear garden, the parking area is 24 metres distance south east of the dwelling.
- 2.03 The proposal is to incorporate an area of permeable hard standing to the northeast of the dwelling to provide off-street parking next to the main entrance of the dwelling.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan (2011-2031):

SS1 - Maidstone borough spatial strategy  
SP17 - Countryside  
DM1 - Principles of good design  
DM3 - Natural environment  
DM23 - Parking standards  
DM30 - Design principles in the countryside  
DM32 - Rebuilding and extending dwellings in the countryside

The National Planning Policy Framework (NPPF):

Section 12 – Achieving well-designed places

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021.

- The Regulation 22 draft is a material consideration, and some weight must be attached to the document because of the stage it has reached. This weight is limited, as it has yet to be the subject of an examination in public.

### **4.0 LOCAL REPRESENTATIONS**

- 4.01 As well as the posted site notice, seven neighbouring properties were consulted by direct mail. The consultation expired on 02/05/2022, 15 representations were received, 14 in support, 1 in objection, although this appears to be a 'mislabelled' representation.

4.02 The representations in support of the development can be summarised as follows:

- That the existing building is not visually aesthetic
- That the existing dwelling is not a suitable, modern, family home i.e. poor internal layout and energy performance.
- That the development does not impact upon the street scene.
- Major housing development elsewhere in Headcorn
- Development would be in keeping with neighbouring properties.

## **5.0 CONSULTATIONS**

### Headcorn Parish Council

5.01 Wish to see approved, no referral required.

### KCC Highways

5.02 This consultee replied with their standing advice, no objections received.

### MBC Environmental Health

5.03 Environmental Health have requested additional information regarding a proposed air source heat pump be submitted prior to determination. "...the default position of the Environmental Protection Team is to recommend refusal on the grounds of insufficient information."

### Natural England

5.04 No representations received

### Councillor Martin Round

5.05 Members are advised to visit the site to understand the nature of this application. A number of previous applications have been refused on the basis of unacceptable effect to street scene and the design and size being harmful in respect of scale and mass. This application must be taken in consideration of the current and most recent context and with new multiple housing developments some 100 metres away and with farmyard conversions half a mile away.

5.06 The applicants design and footprint lays in front of a massive multi hectare glasshouse farm and a very high energy plant. Immediately to the side lays a two storey mansion like house whilst 100 metres away another mock Georgian mansion has been built over green fields, whilst adjacent to a weatherboard cottage.

5.07 A decision to reflect consistency and pragmatism is required, plus recognise the needs of a family. I therefore ask Planning Committee to consider this.

## **6.0 APPRAISAL**

6.01 The key issues are:

- Visual impact / Character and appearance of the countryside

- Neighbour amenity
- Standard of accommodation
- Transport, highways, access and parking.
- Landscape and ecology

### **Visual impact/ Character and appearance of the countryside**

- 6.02 Policy SP17 Countryside 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 with defined settlement boundaries and is depicted on the policies 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".
- 6.03 The supporting text for policy SP17 states "The Countryside is a sensitive location within which to integrate new development and the council will expect proposals to respect the high quality and distinctive landscapes of the borough in accordance with policy DM30.
- 6.04 Policy DM1 (Principles of good design) states that proposals must "Respond positively to, and where possible enhance, the local, natural or historic 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 and making use of vernacular materials where appropriate."
- 6.05 Policy DM30 (Design principles in the countryside) states "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;"
- 6.06 The development seeks to replace an existing dwelling in the countryside and as such falls under Policy DM32 (Rebuilding and extending dwellings in the countryside). It states that replacement dwellings must be no more visually harmful than the original dwelling in terms of mass and volume and that the replacement dwelling must result in development which is visually acceptable within the countryside.
- 6.07 Expanding upon this point Paragraph 8.6 of the Local Plan (the supporting text to DM32) and the supporting text to SP17 talks about the "The intrinsic character and beauty of the countryside..." in that it is not about screening inappropriate development. The supporting text highlights that the countryside "...is an important asset of the borough, which is recognised by the NPPF and the local plan and which is highly sensitive to development"
- 6.08 Paragraph 8.7 continues "the council will have particular regard to the mass and visual prominence of the resulting building, including the cumulative impact of such changes. The volume of new development will be more critical than its footprint."

- 6.09 In the context of the application site and its relationship to the development in the area, the appearance and scale of the dwelling would result in an unduly dominant and imposing building in the street scene. This area of Grigg Lane is resolutely rural. Dwellings are dispersed throughout the area and are generally sited within generously sized plots. Whilst the application site is only 100m from the built-up area of Headcorn, the appeal site better relates to the rural area in which it is sited and has a pleasant, verdant and distinctly open quality that is reinforced by the presence of mature landscaping within this countryside setting. This section of Grigg Lane features mature hedgerows along both sides of the highway. The proposed dwelling would be significantly more visible above the hedgerow on the southern side of Grigg Lane when travelling along the highway than the existing single storey bungalow. The proposal would result be an incongruous form of development that would substantially diminish and erode the rural qualities of the site identified above.
- 6.10 The existing bungalow has a floor space of approximately 100m<sup>2</sup> the proposed dwelling would double this with a corresponding increase in volume, bulk and massing. This change would have a significantly greater impact "than the original dwelling in terms of mass and volume" which policies DM30 and DM32 seek to avoid.
- 6.11 The supporting text to policy DM32 details how the proposal must not be more "visually harmful than the original dwelling" this is dwelling prior to the addition of any other extensions or permissions subsequently gained. In this context the volume that could be added to the property under permitted development is irrelevant. .
- 6.12 In terms of consistency, it is assessed that the appeal decision on the adjacent site immediately to the southwest of the application site (3204425) relating to 17/500984/FULL must be given considerable weight in relation to the determination of this current application. Please see the below images which depict the location and design of the proposed dwelling in that instance.

**Image 3:**  
**17/500984/FULL Proposed site plan and elevations**

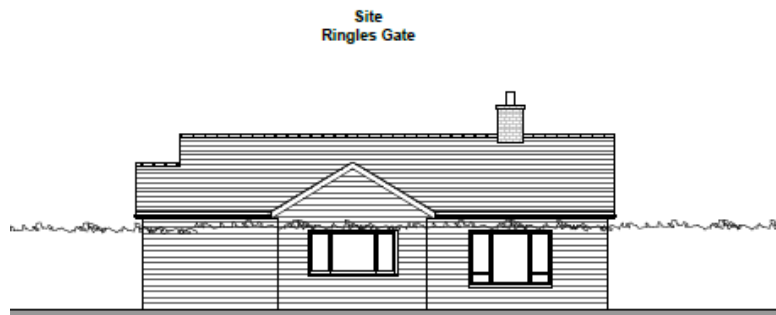






- 6.13 The government appointed planning inspector at paragraph 7 of the appeal decision letter states "I acknowledge that to the rear of the site are very large buildings that are used in connection with the horticultural business that operates there. The buildings are themselves visually associated with the agricultural land that surrounds the site and are typical of functional horticultural buildings that one would expect to see in the countryside. Moreover, given the scale of the proposed dwelling, the backdrop of these buildings would not alter the dominating impact the development would have on the street scene when viewed from Grigg Lane." Paragraph 8 then concludes detailing how the development would have been "in conflict with Policies DM1, DM30 and SP17 of the Local Plan".
- 6.14 The Street View plans submitted with the current application demonstrate how visible the building would be above the hedgerow running along the southern side of Grigg Lane, as depicted below. Only the roof of the dwelling is currently visible, the proposed dwelling would be significantly more visible in the street scene. The proposed dwelling as part of the current application is of a similar appearance to the one dismissed at appeal relating to 17/500984/FULL and is similar with regards to location/relationship to the highway, as can be viewed in the images above and below.
- 6.15 The 'test' of policy DM32 is whether the resulting dwelling is more "visually prominent" than the existing dwelling prominence which the Council will pay "particular regard to". In this instance it would be and as such the proposal would cause visual harm to the countryside.

**Image 4:**  
**Existing Street View Top,**  
**Proposed Street View Bottom**



- 6.16 Addressing the comments received, first the personal circumstances of the applicant are not a material planning consideration that can be assessed as part of this application, nor is the dwellings' energy performance or whether it is a modern home suitable for family occupation. The dwelling as it exists now is small single storey timber bungalow, the applicant would have been aware of this prior to acquiring the property.
- 6.17 In terms of the surrounding development the planning inspectorate has addressed this. Paragraph 9 of appeal 3204425 states "I acknowledge that larger dwellings such as The Ringles and Twelve Acre Farm are in the immediate vicinity. However, these particular properties are set back into their respective sites and do not have the same impact on the street scene as the proposed dwelling would."
- 6.18 In response to comments from the ward councillor, paragraph 10 continues "The appellant also makes reference to several appeal decisions and applications that have been approved for various developments in the local area and sites that have been allocated for residential development in Headcorn as part of the Local Plan. Invariably, such cases will depend on their individual circumstances and so while noting these decisions and the changes that have occurred in the area, they are not determinative in this appeal. I have not been provided with the full details of these decisions to be sure that they are a direct parallel to the development before me." This is concurred with.
- 6.19 It is accepted that the Parish Council as well as a number of local representations support the development. It is noted that the development

would provide a larger house for the applicant. Whilst acknowledging the benefits that would result in this respect, these issues are not sufficient to outweigh the harm that has been identified above.

- 6.20 Policy SP17 states that development proposals in the countryside will not be permitted unless they accord with other policies in the local plan. For the reasons detailed above the development is not in accordance with policies DM1, DM30 and DM32 and as such is not in accordance with policy SP17.

### **Neighbour amenity**

- 6.21 Policy DM1 states that applications must respect the amenity of neighbouring properties and that development must not result in overlooking, visual intrusion, loss of privacy or light enjoyed by nearby properties, nor should occupants be impacted upon by vehicle movements.
- 6.22 To the northeast of the site, is the nearest dwelling called 'The Ringles'. It is a large three storey detached dwelling and is located 33m away, the other side of a private access road to Ringles Nursery. When considering the distance, the development would not cause any amenity impacts.

### **Standard of accommodation**

- 6.23 Policy DM1 details how development must provide adequate amenity for future occupants.
- 6.24 The application seeks a three-bedroom property. The overall gross internal area of the dwelling is approximately 200m<sup>2</sup> which exceeds the minimum area required for a three bedroom dwelling in the Nationally Described Space Standards Whilst these have not currently been adopted by the Local Planning Authority this is an acceptable arrangement.
- 6.25 Rooms are spacious, well-lit and the dwelling features dedicated storage space. This would be a comfortable dwelling for future occupants.

### **Transport, highways, parking and access**

- 6.26 Policy DM1 states that applications must ensure that development does not result in, amongst other things excessive activity or vehicle movements.
- 6.27 Submitted plans indicate that the proposed dwelling would be served by three parking spaces, this is sufficient parking provision for a three bedroom dwelling. The development would not have a harmful impact upon parking in the area or the wider highway network. Should permission be forthcoming conditions will be imposed requiring an electric vehicle charge point be installed.

### **Landscape and ecology**

- 6.28 Policies DM1 and DM30 both detail the need for development to appropriately mitigate impacts on landscape and biodiversity.

- 6.29 Plans indicate that existing landscaping would remain, the application site is not within any protected landscape or biodiversity designation. Should members be minded to approve the application it would be possible to impose conditions for additional landscaping and for details of biodiversity enhancements to be submitted.

### **Other matters**

#### **Previous permissions**

- 6.30 The applicants supporting statement refers to an expired permission on site from 2006 also for a replacement dwelling as depicted below.

**Image 5: 06/1808 Proposed Elevation**



- 6.31 This permission, granted almost 20 years ago, has limited to no weight in the assessment of the current application which is assessed under a new local plan. The current plan which was considered by the appeal inspector on the adjacent site places a greater emphasis on countryside harm.

#### **Environmental Health Comments**

- 6.32 Environmental Health consultees have recommended that the application be refused on the basis of insufficient information regarding an Air Source Heat Pump. This is a strong stance, if members are minded to approve this application this could be addressed by a pre-commencement condition.

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

- 6.33 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.

#### **CIL**

- 6.34 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.

## **7.0 CONCLUSION**

7.01 The development would introduce an unduly dominant and imposing building in the street scene that would have a harmful impact upon the character and appearance of the area. It would conflict with Policies DM1, DM30 and SP17 of the Local Plan and the Framework which seek, amongst other things, to ensure that developments do not harm the character and appearance of the area, that regard is had to the scale, height, and site coverage of the development and is sympathetic to local character and surrounding built environment.

## **8.0 RECOMMENDATION –**

### **REFUSE for the following reasons:**

The development would introduce a unduly dominant and imposing building in the street scene that would have a harmful impact upon the character and appearance of the streetscene and this rural area. The development would conflict with Policies DM1, DM30, DM32 and SP17 of the Local Plan and the National Planning Policy Framework (2021)