

APPLICATION: MA/11/0791 Date: 13 May 2011 Received: 19 May 2011

APPLICANT: Mr Raminder Deol

LOCATION: THE OAKS, WESTFIELD SOLE ROAD, BOXLEY, MAIDSTONE, KENT, ME14 3EH

PARISH: Boxley

PROPOSAL: Erection of 2.4m high green weld mesh fencing to site boundary and around tennis court and erection of front entrance gates and walls as shown on the site location plan received on 16/05/11 and drawing number BLC/THEOAKS/20A received on 27/01/12.

AGENDA DATE: 1st November 2012

CASE OFFICER: Angela Welsford

The recommendation for this application is being reported to Committee for decision because:

- it is contrary to views expressed by Boxley Parish Council.

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV35, H18, H33
South East Plan 2009: CC1, CC2, CC4, CC6, C4
Village Design Statement: Not applicable
Government Policy: National Planning Policy Framework

2. RELEVANT PLANNING HISTORY

MA/10/0710	Erection of an orangery – APPROVED
MA/08/0323	Construction of replacement dwelling with integral garage (demolition of existing dwelling and outbuildings) plus garage annexe (Resubmission of MA/07/1517 – APPROVED
MA/07/1517	Construction of replacement dwelling with integral garage (demolition of existing dwelling and outbuildings) – WITHDRAWN
MA/04/1614	One dwelling to replace existing dwelling and outbuildings – APPROVED

3. CONSULTATIONS

- 3.1 **Boxley Parish Council** wishes to see the application refused and reported to Planning Committee for the following reasons:
- 3.1.1 16/06/11 – *“Entrance gate, walls and mesh fencing – Wish to see refused and reported to the planning committee. Westfield Sole Road has a rural setting and the impact of this structure (this being a retrospective planning application) due to its height and design is considered detrimental to the street scene. It is felt that this development is contrary to ENV28 and H18. If the Planning Committee are minded to grant permission then adequate landscaping is required to mitigate the impact. Tennis Court – Do not wish to object.”*
- 3.1.2 Case Officer comment – The Parish Council’s concerns regarding landscaping were raised with the applicant and an amended plan was submitted, including proposed landscaping, which comprised the planting of chestnut saplings in front of the mesh fencing in the areas at the sides of the walls and Virginia creeper in front of the walls themselves, to climb up and clad them. Boxley Parish Council commented on the amended plans as follows:
- 3.1.3 05/10/11 – *“Objection to the planned landscaping as it is inappropriate for the area and location. The purpose of the landscaping was to soften the impact of the fence and brick gateway in what is a rural setting and the proposed landscaping would not achieve this. Westfield Sole Road is effectively a country lane with no footway and passing places for the huge number of vehicle users. The Chestnut saplings are on an extremely narrow verge and are immediately adjacent to the road and on maturing these will overhang the road causing problems for the cyclists and other road users. On maturing the trunks will not cover the 2.4m wire mesh fence. The Virginia creeper that is suggested for the brick wall is not an indigenous species and in winter loses its leaves so for approximately 6 months of the year the landscaping would be ineffective. Members suggest that a native hedgerow is planted to disguise the mesh fencing and possibly an evergreen ivy for the brick.”*
- 3.1.4 Case Officer comment - Again the Parish Council’s concerns, together with its recommendations, were raised with the applicant via his agent, who confirmed that he was happy to try to work with them and was willing to provide the requested landscaping. Accordingly, a further amended plan was submitted showing an indigenous landscaping scheme comprising Hawthorn hedge planting in front of the mesh fencing in the areas at the sides of the walls (planted in accordance with the Maidstone Borough Council Landscape Character Assessment and Landscape Guidelines) and Evergreen Ivy planting in front of the walls themselves, to climb up and clad them. I contacted Boxley Parish

Council and explained why, in my view, the development would be acceptable subject to the proposed landscaping. The Parish Council commented on the amended plans as follows:

3.1.5 16/02/12 – *“Wish to see refused and reported to the Planning Committee. The Parish Council welcomed the change in the proposed landscaping to hedgerows and ivy however this does not remove the main objection which is that Westfield Sole Road has a rural setting and the impact of this structure (this being a retrospective planning application) due to the height and design is considered detrimental to the street scene.”*

3.1.6 Case Officer comment – I subsequently contacted Boxley Parish Council and pointed out that the applicant had agreed to provide the requested landscaping and again explained why, in my view, the development is acceptable (see considerations section below). However, the Parish Council has maintained its objection. The application is accordingly now reported to Planning Committee.

4. REPRESENTATIONS

4.1 No responses received from neighbours to date.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is located on the south side of Westfield Sole Road in Boxley parish. It is just outside of the boundary of the Walderslade urban area as defined on the Maidstone Borough Wide Local Plan 2000 proposals map, and so, for planning purposes, is classed as being within in the countryside. It is also within the Area of Local Landscape Importance to the north of the M2 motorway.

5.1.2 The site is surrounded on three sides (east, west and south) by blocks of woodland, protected by TPO No.1 of 1972, plus there is tree planting along much of the northern boundary adjacent to Westfield Sole Road.

5.1.3 It contains a substantial replacement dwelling and garage block/annex that have recently been erected under planning permission MA/08/0323. Due to the narrow, somewhat winding, tree-lined nature of the road, the site is not prominent from public vantage points or visible in long-range views. However, from the front of the site the dwelling and particularly the garage/annex building do have a significant visual impact.

5.1.4 At the time of my first site visit, I saw that the fencing, walls and gates that are subject of this application had already been erected and so the application is

retrospective. During my most recent site visit, I saw that the proposed Hawthorn hedge planting had been carried out, as well as some planting in front of the walls.

5.2 Proposal

- 5.2.1 Planning permission is sought for the retention of 2.4m high green weld-mesh fencing to the site boundaries and around the existing tennis court, (behind the dwelling, inside the site), and the retention of front entrance gates and walls. As mentioned in paragraph 5.1.4, the development had already been carried out at the time of my site visit and so the application is retrospective.
- 5.2.2 The green weld-mesh fencing has been erected along the rear and both side boundaries. It has also been erected along the front of the property, facing Westfield Sole Road, but, there, has been set back approximately 2m from the boundary line such that it is positioned behind the trees lining the road. There is a pedestrian access gate in the section immediately adjoining the westernmost brick pier. The same fencing has also been erected around the tennis court.
- 5.2.3 The gates have a total width of approximately 6.4m and stand 2.35m high. They are dark brown in colour and generally solid, although the top 0.4m is open-work. They are set back approximately 9.5m from the carriageway edge of Westfield Sole Road.
- 5.2.4 The walls are constructed from buff bricks to match the existing garage/annex behind. They each comprise a generally 2m high curving wall (to provide visibility splays) with brick piers at either end. The piers closest to the road are approximately 2.5m high and those from which the gates are hung 2.9m high. There is a raised planting bed running along the front of each wall. At the time of my most recent site visit these had been planted-out, plus climbing plants had begun to be trained up the walls.

5.3 Principle of Development

- 5.3.1 Development Plan Policy and Central Government Guidance seek to restrict new development in the countryside. The visual quality of the Area of Local Landscape Importance must be maintained. As an exception to the general theme of restraint, additions and alterations to existing rural dwellings may be acceptable under the terms of Local Plan Policies H18 and H33, which require, *inter alia*, that the development is of an appropriate scale and design for its surroundings. The principle of the development is therefore in line with policy but clearly the detail is important.

5.4 Visual Impact

- 5.4.1 The green weld-mesh fencing is of low visual impact, primarily due to its permeable nature, which allows clear views into the property, but also due to its colour, which blends with the surrounding vegetation. I do not consider that the height has any significant bearing on its visual impact due to the effect of its permeable nature/colour. As such, in my view the fencing does not reduce the openness of the area or harm the character of the landscape in the Area of Local Landscape Importance.
- 5.4.2 The walls and gates do have a greater visual impact, and are more urban in appearance. Nevertheless, due to the surrounding blocks of woodland and the narrow, somewhat winding, tree-lined nature of the road, the site is not prominent from public vantage points or visible in long-range views. When viewed from the front of the site, the walls and gates are seen against the backdrop of the garage/annex building and the dwelling, which, in my view, already have a significant visual impact on their surroundings, and I do not consider that the walls and gates render that materially more harmful. Furthermore, the curving design/alignment of the walls helps to reduce their visual mass, as does the permeable section at the top of the gates. Consequently, due to their location in front of the substantial built structures on the site, (most notably the very large garage/annex building), and the limited public views that can be gained of them, on balance, I do not consider that they cause a sufficient level of harm to the character of Westfield Sole Road to justify a refusal of planning permission that could be successfully defended at appeal.
- 5.4.3 Moreover, I consider that the visual impact and more urban appearance of this part of the development can be further reduced and softened through the use of landscaping. The walls have been constructed with raised planting beds to the fore, and the addition of planting, including climbing plants, to these between my first and most recent site visits has significantly reduced the harshness of the brickwork. I consider that with additional planting, which can be secured by condition, this part of the development will also be acceptable. The matter of landscaping is discussed in more detail in section 5.7 below.
- 5.4.4 To summarise, therefore, I consider the visual impact of the development to be acceptable in the context of its surroundings, subject to the provision of additional indigenous landscaping, which can be secured by condition.

5.5 Residential Amenity

- 5.5.1 There are no immediate neighbours to this site so there has not been any significant loss of residential amenity in terms of loss of light, loss of outlook,

loss of privacy or increased noise and disturbance as a result of this development.

5.6 Highways

- 5.6.1 The gates and walls have been erected around the existing access. Although a derestricted carriageway, Westfield Sole Road is too narrow for two cars to easily pass one another, particularly at this point, and thus I have noted during my site visits that vehicle speeds are typically fairly low.
- 5.6.2 The gates are set back approximately 9.5m from the carriageway edge, which far exceeds the 5.5m set back usually requested to allow a vehicle to safely pull off of the road to wait for a gate to open.
- 5.6.3 The walls are curved and set back to allow adequate visibility splays. The mesh fencing is permeable and does not impact on visibility. The Kent Highway Services Engineer has viewed the details and does not raise objection on highway safety grounds.

5.7 Landscaping

- 5.7.1 No trees of any value appear to have been lost as a result of this development. The weld-mesh fencing has been set in from the property boundary on the frontage to allow it to sit behind the trees there, plus, due to its lightweight construction, has not resulted in any significant ground-works. The walls have been constructed around the existing access point.
- 5.7.2 The applicant has agreed to provide landscaping to soften the development. During my initial site visit, I raised this issue (which had also been raised by Boxley Parish Council) with the applicant and his agent, and was advised that the walls had been constructed with raised beds to the fore for this very purpose and that additional planting was also intended on the verge along the front boundary. Following that visit, an amended plan was submitted, but the proposed Chestnut saplings were not appropriate to the narrow verge and the Virginia creeper to clad the walls was not indigenous.
- 5.7.3 An amended landscaping scheme was therefore submitted, in line with the Maidstone Borough Council Landscape Character Assessment and Landscape Guidelines. This now shows indigenous planting in the form of a Hawthorn hedge on the verge and behind the existing vegetation along the frontage, to plug the gaps, and evergreen ivy planting in the raised beds to clad the walls. The plan shows the Hawthorn planted in triple staggered rows, 30cm apart, with plants at 45cm spacing. These details are considered appropriate.

- 5.7.4 During my most recent site visit I saw that the Hawthorn hedge planting had been carried out. I also saw that some fairly low-level, mixed-species planting had been carried out in the raised beds, together with some mixed-species climbing plants, but these did not include ivy. When I raised this with the applicant, he confessed that he had not noticed that note on the drawing provided by his architect, but confirmed that he will be more than happy to plant ivy to clad the walls, removing the existing planting if required.
- 5.7.5 In my view, the planting that has been carried out has significantly softened the visual impact of the walls. With the addition of ivy planting in between the existing, this softening effect would be increased. I have discussed the development with the Landscape Officer, who is of the view that the existing planting should be retained and that Common Ivy plants (*Hedera helix*) of a minimum of 3 litre pot size should be interspersed along the length of the walls. *Hedera helix* is a hardy, indigenous species and appropriate to this environment at the front of the walls, where there is a limited amount of earth for plants to establish.
- 5.7.6 In summary, therefore, I consider that, subject to an appropriately-worded landscaping condition to secure the additional indigenous planting, and to protect that and the Hawthorn hedge planting that has already been carried out, the visual impact of the development would be acceptable.

6. CONCLUSION

- 6.1 Taking all of the above into account, I conclude that, subject to appropriate landscaping, which can be secured by condition, the development complies with Development Plan Policy and Central Government Guidance, and that there are no overriding material considerations to indicate a refusal. I therefore recommend that Members grant planning permission for this development subject to the condition set out below.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. Within one month of the date of this permission, additional planting shall be carried out within the raised beds at the front of the walls hereby permitted. This shall consist of 8 *Hedera helix* (common ivy) plants, evenly-spaced in front of each wall, (16 plants in total). Each plant shall be a minimum of 3 litre pot size on planting. Any of these plants, or the *Crataegus monogyna* (Hawthorn) already planted and shown on drawing number BLC/THEOAKS/20A received on 27/01/12, which within a period of five years from the date of this permission

die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with Policies ENV6, ENV28 & ENV35 of the Maidstone Borough Wide Local Plan 2000, Policy C4 of The South East Plan RSS 2009 and the Maidstone Borough Council Landscape Character Assessment and Landscape Guidelines.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.