

APPLICATION: MA/13/0684 Date: 12 April 2013 Received: 19 April 2013

APPLICANT: Mrs Linda Turner

LOCATION: OAKHURST, SCRAGGED OAK ROAD, DETLING, MAIDSTONE, KENT,
ME14 3HJ

PARISH: Detling

PROPOSAL: Retention and use of single storey building as home office/annex as
shown on drawing received on the 19th April 2013.

AGENDA DATE: 6th February 2014

CASE OFFICER: Graham Parkinson

This application is being reported to Committee for decision because:

- It is contrary to views expressed by the Parish Council

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV28, ENV31, ENV33, ENV34,
- Government Policy: NPPF

2. HISTORY

- 2.1 MA/ 86/0094- Alterations and extension to existing bungalow-APPROVED - 12-Mar-1986
- 2.2 MA/86/0094- Alterations and extension to existing bungalow – APPROVED- 12-Mar-1986
- 2.3 MA/ 08/0488- Erection of a rear extension and side verandah.-APPROVED- 02-May-2008
- 2.4 MA/10/2156- Retrospective application for single storey building for teaching of spiritual therapy including student accommodation- REFUSED - 24-May-2011
- 2.5 MA/ 11/1437- Application for a Lawful Development Certificate for an existing use being use of land as residential garden for a period in excess of ten years- APPROVED- 12-Sep-2011
- 2.6 MA/ 11/1438- Retrospective application for the change of use of land from agricultural to residential and the retention of a driveway-REFUSED- 23-Dec-2011- APPEAL DISMISSED (Decision attached as appendix 1)

- 2.7 MA/11/1439- Erection of single storey building (retrospective) and use for holiday accommodation and teaching of spiritual therapy including student accommodation- REFUSED- 23-Dec-2011 APPEAL DISMISSED. (Decision attached as appendix 1)
- 2.8 MA/13/0686- Part retrospective consent for retention of access track over agricultural land to serve Oakhurst – UNDETERMINED – This application is also being considered at this meeting.

3. CONSULTATIONS

- 3.1 Detling Parish Council: Objects to the proposal and its comments are summarised as follows:
- The site lies within an AONB and North Downs Special Landscape Area.
 - Retrospective planning permission for the building which has already had permission refused for commercial use which it believes is still the intended use of the building.

4. REPRESENTATIONS

- 4.1 5 properties consulted. No representations received

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site is located on the north west side of Scragged Oak Road lying in open countryside and falling within the North Downs AONB.
- 5.1.2 The site is occupied by a chalet bungalow located within its south east corner and set slightly back from Scragged Oast Road. To the north west of the immediate garden curtilage serving the property is a detached garage and close to this garage is the building, the subject of this application.
- 5.1.3 To the south west of the immediate garden curtilage the site opens out into an expansive grassed area running across which in a north easterly direction gravelled driveway serving another access onto Scragged Oak Road.

5.2 Proposal

- 5.2.1 Retrospective planning permission is sought to retain a single storey building and to use it for what is described as a home office while providing additional bedroom and living accommodation for purposes ancillary to the enjoyment of the principal dwelling.

5.2.2 The building has a footprint of 8.4 metres by 10 metres, an eaves height of just under 2.5 metres and ridge height of just under 3.6 metres. It also has a porch with an area of decking enclosed by post and rail timber fencing constructed abutting the south west side of the building.

5.2.3 The building is sited to the northwest of Oakhurst abutting its immediate garden curtilage.

5.2.4 The following has also been submitted:

- An aerial photograph taken in 2008 showing a partly erected structure sited in the location of the building the subject of the current application. The photograph shows the interior of the structure as no roof was in place.
- An invoice dated the 22nd August 2008 for the erection of an 8mx10m 70mm log cabin. The invoice states a provisional delivery date of the 8th September 2008.

6. Discussion

6.1 The key issues relating to the retention of this building are considered to be its impact on the character and setting of the AONB, Special Landscape Area (SLA) and rural character of the wider area. It is also sited within a strategic gap while there is a need to take into account the impact on the outlook and amenity of houses overlooking and abutting the site.

6.2 Impact on AONB, SLA, Strategic Gap and rural character:

6.2.1 A key material issue in assessing the impact of the building is the dismissed appeal to retain this building and its use for holiday accommodation and teaching of spiritual therapy including student accommodation. There is also the matter of the length of time that the building has been in position on the site.

6.2.2 Dealing first with the Inspector's comments relating to the impact of the building, the Inspector concluded that it had a harmful impact due to its residential rather than agricultural appearance by reason of its porch and fenestration which is not mitigated by external materials and finishes. However it is considered that concerns relating the external finish of the building have now been addressed with the use of dark staining and felt roofing tiles.

6.2.3 The intention however is still to retain the porch along with the regular spacing and generally uniform size of the windows. The Inspector did not appear to address the impact of the terrace and fencing however it would appear due to their size and siting that both can be erected as 'permitted development'.

6.2.4 Nevertheless given the low profile of the building and its generally well screened location, it is considered that its visual impact of the building, terrace and fencing is already well contained within the site. Furthermore it is proposed to provide additional native species planting to screen the building from all directions which will further mitigate its impact and which will be made the subject of a condition.

6.2.5 The Inspector also made reference to the building lying outside the acknowledged residential curtilage of Oakhurst. The plan approved under ref:MA/11/1437 being a lawful development application for use of land as a residential garden, shows the building straddling the existing curtilage of Oakhurst and the garden land for which the Lawful Development Certificate was issued. The Inspector's comments that the garden land for which the lawful development certificate was granted does not enjoy curtilage status and therefore cannot benefit from residential curtilage permitted development rights are noted. However such pd restrictions do not apply to fencing while the raised terrace has little visual impact in its own right. Consequently for the reasons set out above no objection is identified to the retention of a well screened outbuilding in either area.

6.2.6 It is therefore considered that given the relatively minor increase in built mass that has occurred, the well screened position of the building in close proximity to other buildings occupying the site and changes to the external finishes that have occurred, that the retention of this building will have no material impact on the character and setting of the AONB, SLA or rural character of the area. Furthermore it is not considered that retention of the building will compromise the wider function of the strategic gap.

6.4 Impact on the outlook and amenity of dwellings overlooking and abutting the site.

6.4.1 The building is set back well into the site, located behind other buildings and generally well screened from view from Scragged Oak Road. As such, it does not have any material impact on the outlook or amenity of properties on the opposite side of the road. Regarding its impact on Scragged Oak Farm, abutting the site to the south west, given the presence of existing boundary fencing and separation from the dwelling, it is not considered that the building has any material impact on the outlook of this property. The proposed use of the building, subject to a condition restricting it to ancillary domestic use only, is considered unlikely to affect aural amenity.

6.4 Other matters

6.4.1 The Parish Council's belief that commercial use is still the intended use of the building is noted. However the application can only be determined as submitted. If it subsequently becomes apparent that the building is being used for commercial purposes the Council will have to consider whether it is expedient to take further action based on the circumstances evident at the time.

6.5 CONCLUSIONS

6.5.1 For the reasons set out above it is considered that the retention of the building is acceptable in its visual impact, will not result in material harm to the character and setting of the AONB, SLA, or rural character of the area or compromise the function of the strategic gap. In addition it is not considered that the building or its use will result in demonstrable harm to the outlook or aural amenity to houses overlooking or abutting the site.

6.5.2 In the circumstances is considered that the development is acceptable and retrospective planning permission to retain the building and use it as proposed should be granted as a consequence.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. Within 3 months from the date of this planning permission a native species hedgerow comprising a beech/hawthorn mix shall be provided around the perimeter of the building in a position to be agreed in writing beforehand with the Local Planning Authority. The hedgerow shall be allowed to grow up to a height of no less than 3 metres and thereafter maintained at no less than 3 metres in height. Any part of the hedgerow that becomes dead, dying or diseased shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority and shall be retained at all times in accordance with the terms of this condition.

Reason: In the interests of visual amenity.

2. The building hereby permitted shall only be used for purposes incidental to the domestic use of the related dwellinghouse, currently known as 'Oakhurst', and for no other purpose or use;

Reason: To prevent the introduction of uses which would cause demonstrable harm to adjoining residential occupiers and to the character of the countryside.

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 there are no overriding material considerations to indicate a refusal of planning consent.