

APPLICATION: MA/13/1475 Date: 23 August 2013 Received: 2 January 2014

APPLICANT: Mr & Mrs J P Blackmore

LOCATION: POPLAR TREE, MILEBUSH LANE, MARDEN, TONBRIDGE, KENT,
TN12 9AS

PARISH: Marden

PROPOSAL: Erection of a single storey garage and retrospective change of use of land from agricultural to residential use as shown on drawing nos: 705/02 (existing elevations), 02A (proposed elevations), 705/01 rev A(existing site layout), P/01 rev B, proposed site layout, LOC/EX and LOC/PR.

AGENDA DATE: 10th April 2014

CASE OFFICER: Graham Parkinson

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

- a Borough Councillor is the applicant

1. **POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV28, H31, H33
- Residential extensions SPD adopted 2009
- Government Policy: NPPF,NPPG

2. **HISTORY**

- 2.1 MA/05/0919 - Replacement of concrete panel flat roofed garage by one of traditional construction - approved/granted with conditions.
- 2.2 MA/04/0580 - Demolition of existing conservatory and erection of two storey front and side extensions – approved/granted with conditions.
- 2.3 MA/03/2450 - Two storey front and side extension, which includes the removal of the conservatory – refused.

- 2.4 MA/99/1503 - Erection of single storey extension to utility/breakfast room on south-eastern flank, and replacement of flat roof with pitched roof to utility/breakfast room – approved/granted with conditions.
- 2.5 MA/12/1249- Erection of single storey infill extension, front porch and enlargement of single storey rear extension - APPROVED- 2nd August 2012
- 2.6 MA/13/0928- Erection of single storey extension to existing garage-WITHDRAWN

3. CONSULTATIONS

- 3.1 Marden Parish Council – No objection in principle providing that the building is set back behind the western elevation of the existing building and not converted to a separate residential dwelling.

4. REPRESENTATIONS

- 4.1 None received.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The site is occupied by a detached house occupying an isolated position in open countryside just to the north west of a sharp bend in Milebush Lane. Immediately in front of the house but set back from the road is an existing detached double garage. The site is not subject to any specific policy designation in the Maidstone Boroughwide Local Plan 2000.
- 5.1.2 A public footpath runs to the south of the site with the wider area rural in character.

5.2 Proposal

- 5.2.1 The intention is extend the existing detached garage on its south west elevation. The existing double garage is just under 6 metres square. The proposed addition will extend its length by just under 5.5 metres while having the same width, eaves height and roof profile. The eaves height is just over 2.3 metres with a ridge height of 5.5 metres.
- 5.2.2 The extension will house a playroom, study and shower room.
- 5.2.3 Retrospective planning permission is also sought for an extension to the garden curtilage. The original garden serving the property had a depth and width of just over

30 metres. This has been increased to a width and depth of just over 50 metres resulting in an increasing the garden size by over 250%.

5.3 Discussion:

5.3.1 The key issues raised by the proposals are considered to be their impact on the rural character and setting of the wider area.

5.4 Principle of Development

5.4.1 Dealing first with the impact of the proposed extension, this will not be physically attached to the main dwelling. Nevertheless, given the close proximity of the garage to be extended to the main dwelling and that additional accommodation is proposed, it is considered appropriate to apply the tests set out Policy H33 of the adopted local plan which seeks to avoid the creation of additions of a size tantamount to new dwellings, retain the scale and form of the existing house, prevent out of character development and to safeguard the outlook and amenity of nearby development.

5.4.2 The adopted residential extensions SPD also sets out limits on extending dwellings in the countryside. The scale of single storey extensions should remain subordinate to the existing dwelling and be sited and designed to ensure that no harm arises to the character or openness of the countryside.

5.4.3 Though this property has been previously extended it is considered that the key test is therefore whether the proposed addition to the detached garage will materially add to the impression of built mass to the detriment of the rural character of the area or openness of the countryside.

5.4.4 Regarding extension to the garden curtilage that has taken place this needs to be assessed against the provisions of policy H31 of the adopted local plan. Policy H31 states that planning permission will not be granted for the change of use of agricultural land to a domestic garden if it would harm the character or appearance of the countryside and/or result in loss of the best and most versatile agricultural land.

5.5 Visual Impact

5.5.1 Dealing first with the extension to the garage, the existing garage is located in a relatively well screened location, hidden from view from the road by an existing dense hedge along the road frontage. Only the gable end is currently exposed to view from Mile Bush Lane or from the nearby public footpath to the south.

5.5.2 The proposed addition exactly replicates the height, eaves level and roof profile of the existing garage and in design terms represents an acceptable example of

domestic architecture in keeping with this rural location. It is also considered that the garage, even as enlarged, will remain as a subordinate feature compared to the scale and impact of the existing house.

- 5.5.3 Regarding any material impact on the rural character of the area, though the addition will feature in views of the site from Mile Bush Lane and nearby public footpath, given the height and width of the addition, it is considered that any material impact on the rural character of the openness of the area will be marginal.
- 5.5.4 Turning to the extension to the garden curtilage that has taken place, the site comprises an open area of level grassland defined by post and rail fencing on its boundaries and comprises agricultural land of good quality as defined on the agricultural land classification maps. Apart from the erection of the low post and rail fence (which is an appropriate rural means of enclosure which can be retained without planning permission) there is currently little to distinguish the use of the land from adjoining open farm land.
- 5.5.5 The key concern is that such development could lead to inappropriate domestication of the countryside. Based upon the current condition of the site, this has not yet occurred and subject to the site remaining in its current condition, it is not considered that any material harm is taking place to the character or appearance of the countryside. However in order to ensure this state of affairs continues, permitted development rights should be withdrawn which would otherwise enable buildings, enclosures, swimming or other pools to be constructed without requiring planning permission from the Council.
- 5.5.6 Furthermore to ensure that night-time rural environment is not adversely affected a condition should be imposed regarding the installation of lighting.
- 5.5.7 Regarding loss of land from agricultural use, given the small area of land involved it is not considered there is any sustainable objection to the land remaining in garden use from this perspective. Furthermore given that no built development is proposed there is also no physical impediment to the land being returned to agricultural use should circumstances change.

5.6 Residential Amenity

- 5.6.1 There are no nearby houses overlooking or abutting the site and as such no harm to residential amenity is identified.

5.7 Other matters:

5.7.1 Regarding the concerns raised by the Parish Council, it is confirmed that the proposed addition will be set behind the western elevation of the existing building. Use as a separate and self contained dwelling would result in a material change of use requiring planning permission. This can be drawn to the applicant's attention by informative.

6. CONCLUSION

6.1 The addition will feature in views of the site from Mile Bush Lane and the nearby public footpath. However, given the height and width of the addition, which on its own or in combination with the extended garage, will continue to be seen as a subordinate feature when viewed against the backdrop of the main dwelling, it is considered that any impact on the rural character or the openness of the area will be insignificant.

6.2 Regarding continued use of the land for garden purposes, given the existing appearance of the site, small area of land involved and that no permanent development is involved preventing its reversion to agricultural use should circumstances change, no material harm is identified to the rural character and setting of the wider area.

6.3 As such the proposed development is considered acceptable while no harm is identified to continued use of the land for garden purposes and it is recommended that planning permission be granted as a consequence.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this 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. External materials used in the development hereby approved shall be as specified.

Reason: In the interests of visual amenity.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: as shown on drawing nos: 705/02 (existing

elevations), 02A (proposed elevations), 705/01 rev A(existing site layout), P/01 rev B, proposed site layout, LOC/EX and LOC/PR.

Reason: To ensure the quality of the development is maintained in the interests of amenity.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1 Class E to that Order (being the erection of buildings, enclosures, swimming or other pools) shall be carried out within the extended garden area shown on drawing no:705/LOC/EX without first obtaining the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the surrounding area.

5. Within the extended garden area shown on drawing no: 705/LOC/EX no form of lighting whatsoever shall be installed within this area without first obtaining the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the night-time rural environment in the interests of visual amenity.

Informatives set out below

You are advised that the enlarged garage can only be used for purposes incidental to the enjoyment of Poplar Tree. Its use for separate and self contained accommodation independent of the use of Poplar Tree will result in a material change of use requiring planning permission in its own right.

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.