

<b>2.9 REFERENCE NO - 16/505747/FULL</b>			
<b>APPLICATION PROPOSAL</b> Demolition of existing garage and front boundary wall, removal of existing ash tree and erection of a one bedroom dwelling with integral garage and associated external works as amended by drawings received on 27 September 2016			
<b>ADDRESS</b> 184 - 186 The Street Boughton Under Blean Kent ME13 9AL			
<b>RECOMMENDATION:</b> Approve			
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Parish Council objection and local representations			
<b>WARD</b> Boughton And Courtenay	<b>PARISH/TOWN COUNCIL</b> Boughton Under Blean	<b>APPLICANT</b> Mr & Mrs Payne <b>AGENT</b> Edgington Architectural Services Ltd	
<b>DECISION DUE DATE</b> 14/09/16	<b>PUBLICITY EXPIRY DATE</b> 19/08/16		
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
16/502409/FULL	Demolition of existing pre fabricated garage and front boundary wall, erection of new building with large garage and annex above	Withdrawn	18/05/2016
SW/13/1141	LDC existing kitchen/dining room extension	Granted	13/11/2013
SW/86/0768	Replacement double garage and annex above	Approved	28/01/1987

**1.0 DESCRIPTION OF SITE**

- 1.01 The site is located on the corner of a junction on The Street and School Lane in the centre of the village, adjacent to an existing lay by, public toilets and bus stop. The location is within the Boughton Street conservation area. The host property as a whole is set on the street frontage with commercial use on the ground floor (No.186) and extends to the back of the site where the main entrance to the house is located (No.184). There is existing vehicular access off The Street, directly adjacent the commercial property with a pre-fabricated garage and raised garden beyond.
- 1.02 The site is set on two levels, firstly the street level where the main property 184/186 The Street, the driveway and garage are sited and then beyond a raised garden level, which accommodates the change in level from the street frontage to the northern boundary and the properties beyond in School Lane. To the south of the site on The Street is a lamp post and a sign posted bus stop with a lay-by. Public WCs within a single storey building with a rather grand Kent peg tiled roof and some off street parking bays entranced off School Lane sits to the east of the site.
- 1.03 The site boundary steps up with the change in levels and comprises a mix of brick walling and fencing above. There is a 1.4 -1.6m high brick wall on the street frontage, with a painted metal vehicular gate and drop kerb adjacent the main building. The

driveway is block paved with drainage provided to the front boundary. This leads to a few steps leading up to the house entrance and then a separate set of steps accesses the rear garden area, which is set 1.5 – 1.8m higher than the driveway level. There is an existing rendered masonry retaining wall to the garden along the driveway edge and then a separate retaining structure made with railway sleepers that supports the raised garden along the edge with the existing garage.

- 1.04 The garden is laid to lawn, with established planted borders and a secluded sunken patio terrace in the northeast corner with a timber pergola structure over. In the border alongside the existing garage there is an existing ash tree. Due to the nature of the levels and the proximity of the existing retaining structures, the existing tree has developed a lean whereby its root growth can only effectively spread in one direction.

## 2.0 PROPOSAL

- 2.01 This application is submitted following the withdrawal of application 16/502409/FULL which proposed the almost identical submission to the previous approval (SW/86/768) for a new garage with an annex above. However, that scheme was never implemented and upon resubmission was felt not to be appropriate given its proximity to the listed building and its location within the conservation area as such officers were not able to support the proposal. Discussions were subsequently held with officers regarding a more appropriate design for the new dwelling.
- 2.02 Following consultations, an amended scheme was proposed that re-orientated the proposed house so the gable end faces onto the street. It remains a similar size to the previously approved scheme. During the application process, discussions continued and amended drawings were received on 27 September 2016 to address some concerns raised during the consultation period, namely design detailing on the scheme which now shows a Kent peg tiled roof and the necessary increase in the pitch to 45 degrees; the inclusion of 3 small roof lights on the west facing elevation and the removal of three dormer windows and external shutters; the replacement of the rear window/door arrangement to just a pair of French style glazed doors - these to be repositioned towards the east side of the rear elevation; and the rearrangement of the front elevation first floor fenestration to the bedroom and shower room.
- 2.03 The proposed dwelling is a modest detached one bedroom property with a garage, entrance hall and utility room on the ground floor and the majority of the living accommodation of the first floor to offer one bedroom and a living/kitchen area. It will have red stock brick and painted timber weather boarded elevations with a Kent peg tiled roof and timber casement fenestration and a solid timber front door and conservation rooflights, with cast iron rainwater goods.
- 2.04 The building will replace a large and unattractive pre fabricated flat roofed double garage building which measures 5.6m by 4.8m and lies immediately adjacent to the street frontage.
- 2.05 The agent has commented that *“The orientation and proportions have been altered to preserve and enhance the character and appearance of the Conservation Area and also to be subservient to the surrounding buildings. Concerns have been raised by local residents as to the impact that a two storey dwelling will have on the immediate neighbours, in particular The Oast in School Lane. Whilst the proposal is for two storey, there is a significant change in ground levels from the driveway and road level in The Street to the ground levels for The Oast in School Lane. From the existing garden level, the new building is only single storey with the pitched roof and will have*

*no impact in terms of overlooking or overshadowing on the garden of The Oast. Further concerns have been raised that the new building will obscure views of The Oast. This simply is not the case. Referring to the Location Plan, it is clear that The Oast in School Lane is significantly further to the east of the application sites eastern boundary and so will still be visible from The Street. The existing public WC building impedes the view far greater than any proposal on our site."*

- 2.06 The application is supported by a Design and Access Statement and a Tree Report. The tree report confirms that the ash tree to be removed is healthy, and that it can be replaced elsewhere within the application site to mitigate its loss.

### **3.0 PLANNING CONSTRAINTS**

Potential Archaeological Importance

Conservation Area Boughton Street

Listed Buildings MBC and SBC Ref Number: 459/SW

Description: G II POST OFFICE, 184 THE STREET, BOUGHTON UNDER BLEAN, ME13

Listed Buildings MBC and SBC Ref Number: 376/SW

Description: G II 188 THE STREET, BOUGHTON UNDER BLEAN, FAVERSHAM, ME13 9

### **4.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)

Development Plan: Swale Borough Local Plan Adopted 2008: Saved policies E1, E14, E15,

Bearing Fruits 2031: The Swale Borough Local Plan Proposed Main Modifications June 2016 Policies DM14, DM32, DM33

Supplementary Planning Documents (SPG): Conservation Areas, Listed Buildings

### **5.0 LOCAL REPRESENTATIONS**

- 5.01 Nine residents have objected to the proposal, with some submitting more than one comment, a summary is below:

- The proposal will in fact completely change the character of this beautiful main village street, despite what the applicants suggest.
- The current building is single storey, replacing it with a two-storey building will change the street view completely.
- The existing wall is an asset to the street in that it obscures the view of dwellings behind it. Adding the frontage of another house changes the street entirely.
- I do not think there is any logic in creating a two-storey dwelling. The living accommodation is planned for the first floor. Is this suitable for an elderly gentleman?
- Why is extra car parking needed downstairs when there is already space for 4 cars on the property?
- Object to the needless destruction of a healthy and mature tree, just because it is growing in an inconvenient direction.
- Urge the planning committee to look very carefully at the response of all neighbours before making their decision. This is a picturesque village with a wealth of historic features the length of the main street. We have a responsibility to preserve this.
- The dwelling will look straight into my garden the front door and balcony will be able to look into my bedroom window.

- The front door and windows will look over the whole of my garden giving me no privacy.
- The new building will obscure my home, the only round oast in the village from the main street.
- Will create a limited view when pulling out of the junction. Making it very dangerous, It's difficult at times now.
- The lovely view of the Ash tree will be lost, it's a beautiful tree and a fine healthy specimen.
- This will make the school entrance and exit even more difficult.
- It will use up space that the bus needs to pull off main carriage way.
- The proposed building will completely change the landscape of this part of the street.
- It's a nice open space and this will all change blocking out most of my light, there's quite enough dwellings in this road
- This is one of the few open spaces between buildings that leads upward to the curve of the oast roundel and the school beyond
- The existing mature tree in the garden with sky beyond is a welcome feature in a street dominated by terraced or close packed houses.
- One south facing upper window shows a set of shutters, something not commonly seen in the area, but its neighbour does not. Either shutters for both or no shutters, preferably none.
- Will the wall of the building overhang the property boundary, or be jettied?
- Keeping those usable on site parking spaces must also be a condition imposed if consent is given

**5.02** One letter of support has been received (from 186 The Street, but not from the applicants), summary is below:

- Boughton under Blean has an eclectic mix of properties dating back as far as the 1400 and up to and including the 21st Century, this building looks very similar to properties found up by Thatch hairdressers.
- The tree is massive and far too big for the small garden in which it stands. Looking at the position from inside the premises it looks quite dangerous and is only being held upright by a small wall/bank. The owners have agreed to replace it with another tree which will sit further into their garden and in a safe location. This is reasonable.
- It is clear from the plans that there will be no change to the bus layby or the pathway.
- There will be no change to the current open space as this development is inside the owner's property boundary.
- This property already has space for at least five vehicles off road. There are properties on The Street with no off road parking provision. It is unreasonable to suggest that they should have more parking added.
- It appears the proposed build is far enough away from any property for this not to be an issue and will stand further back from those opposite than most in the village due to the lay-by. The removal of the massive tree will add light to the area.
- The new building would be a welcome replacement to a current prefabricated garage which is definitely not in keeping with other village properties
- The placement of a new tree will maintain the garden type view for villagers. If the roof were to be Kent 'peg' then it would be in keeping with other properties. - I would like to see Kent 'peg' tiles instead, but there is a new property extension further along the Street that has slate tiles and there is merit in adding difference.
- Cannot see how this build would make a problem for access to the school, the new build is within the curtilage of the resident's property. There is already a clear view up the street for vehicles turning out of School Lane due to the current lay-by.

- Concerns that have been expressed regarding who should be living in the property (the owner's father) should not be considered as meaningful objections. People should be allowed to occupy their houses/properties in whichever way they feel fit, so long as they do not cause a nuisance.
- Suggestions have also been made regarding closing down a thriving business at the premises (hairdressers), this is completely unacceptable as this business employs local workers and adds favourably to the life of the village community.
- Some of the negative personal comments made should be disregarded as they are not points that 'planning' should consider

## **6.0 CONSULTATIONS**

- 6.01 Boughton Under Blean Parish Council object to the proposal and state that the current proposals would be detrimental to the visual amenity of the surrounding conservation area and there are significant concerns about the removal of a healthy ash tree in the conservation area for the purpose of building a new dwelling. The Parish Council would also like to comment that whilst they do not support the application, should planning permission ultimately be granted, it would request that the permission include the following grounds: that the new dwelling remain ancillary to the main dwelling, that the roof be Kent peg tile and not slate, that the brickwork be in keeping with the main dwelling and that the tree to replace the ash tree be of a native species
- 6.02 The Council's tree consultant has commented that whilst the submitted tree report was basic in content it appears to give an accurate assessment of the ash tree that is currently growing on the site. The ash is of early maturity attaining a height of approximately 10m and an average radial crown spread of 6m. Growing on an elevated part of the garden the tree is a prominent feature within the street scene particularly as there is very little else in the way of vegetation growing nearby. Being a forest type tree, ash are not always suited to growing in such confined areas although in this case it has adapted well to its growing position although he accepts that it has the ability to double its size as it matures.

Whilst in principle he does not have an objection to the redevelopment of the site, the loss of the ash will have a detrimental impact on the amenity of the area. He appreciates that a replacement tree is proposed as part of this scheme, but its planting position towards the rear of the new elevated dwelling will screen it from the road so it would in no way replace the long-term amenity that the ash currently provides.

## **7.0 APPRAISAL**

### **Principle of Development**

7.01 The site is located within the Local Plan defined Built-Up Area Boundary for the village and as such the principle of the development is acceptable. However what needs to be considered if the proposal is acceptable in terms of its impact on the nearby listed buildings and serves to protect and enhance the conservation area and whether it, including loss of the existing tree, adversely impacts on the residential or visual amenities of the area.

### **Visual Impact**

- 7.02 The impact on visual amenity of this proposal can be split into two parts, firstly the impact of the new building and secondly the impact of the removal of the large ash tree currently on the site.
- 7.03 The proposed building is of a design and style to be appropriate to the area, and is the result of negotiations with officers. It will stand subservient in height and scale to the neighbouring buildings. With a Kent peg tiled roof, red stock bricks, painted timber weatherboarding and timber casement windows uses materials which are also appropriate it will blend in well with its historic surroundings.
- 7.04 Whilst the proposal will certainly involve a change to the current appearance of the site I do not consider this change to be harmful in itself, particularly given the design and materials to be used on the property. Additionally the new lower wall and gate will open up the site and emphasise the view through to the established trees and vegetation to the west of the site. A central village location is the ideal position to locate a new property due to the accessibility to amenities and services of the village.
- 7.05 The ash tree is indeed a large and prominent feature in this section of the high street. However, as a forest tree it is not always suited to growing in such a confined space and it potentially could double its current size.
- 7.06 I do consider the amenity value this tree does provide to the street in general however I am mindful of its current impact, in terms of the shading the expansive canopy provides over the private garden of the applicants and the level it blocks direct sunlight to the neighbouring property, The Oast to the rear, and its potential to double in size and how the health of the tree could be affected by this in its current confined space.
- 7.07 A replacement tree is proposed and I have included a condition that the species shall be agreed with the Council to ensure it is the most suitable given the constraints of the site and in the most appropriate position, and I consider this to mitigate the loss of the existing tree.
- 7.08 I also note that the view of the large trees to the rear of the site, from the road and pavements will remain uninterrupted.

### **Residential Amenity**

- 7.09 The closet dwelling is to the rear, The Oast, and I note the comments from the occupiers in particular as to their perceived impact of this development. However, having viewed the site from this property, I consider that whilst the roof and part of the gable end would be to some degree visible I don't believe it to be harmful. The French door entrance to the dwelling, to enable access to the garden, has been moved to the other side of the gable and thus any overlooking is prevented by the roof of the toilet block.
- 7.10 The scheme also proposes a replacement tree which will screen the rear of the proposed new building but will be of a reduced height to prevent the current situation of the large ash tree interrupting the direct sunlight to The Oast.
- 7.11 The Oast additionally has extensive and established vegetation along the boundary with the site and this already offers extensive screening from the site and the direct sunlight.
- 7.12 The use of the garden at the site will remain unchanged to the current situation.

- 7.13 I do consider there will be a benefit to both the applicants' existing property 184-186 The Street and to the neighbouring property of the proposed removal of the large ash tree. This trees canopy shades the majority of the existing garden for most of the day and similarly the neighbouring property to the rear The Oast also loses direct sunlight due to its expansive canopy.
- 7.14 I note the occupier of 178 The Street, to the north is also concerned regarding overlooking, however, there is no view of the rear of the property or the rear garden from the proposed dwelling. The side window on the proposed dwelling serves to only provide light to the stairs and not to any habitable space. This side window is separated from the property at no 178 by School Lane and the car park adjacent to the public conveniences and as such I do not consider that in addition to this distance would have any significant impact on privacy.

### **Highways**

- 7.15 There will be limited impact from an additional dwelling here as the existing large parking area would be able to accommodate the existing occupiers and a garage is to be provided for the new occupier as part of the proposal.
- 7.16 I note the comments regarding the impact on the visibility and flow of traffic in particular in relation to School Lane. The proposal in no way would interfere with the junction or the flow of traffic within the village, the existing access is to be used and garaging is provided within the site whilst the building retains the same building line as the existing building and wall. Equally the use of the bus stop and lay by area would not be affected.
- 7.17 There would of course be an increase in vehicles delivering materials to the site during the construction phase however this is usual for any development and is only for a very short period of time.

### **Other Matters**

- 7.18 I note the dwelling has been referred to as an annex this is not what is being applied for. The application is for a separate dwelling which given the property's location within the village boundary is acceptable in principle.

7.19 Furthermore it is providing an additional property within the village. I note the comments regarding the potential occupier of the property but this is not a legitimate planning consideration that can be taken into account.

## **8.0 CONCLUSION**

- 8.01 The principle of an additional dwelling within the village built up area boundary is acceptable. I consider the amendments received on 27 September have addressed many of the concerns raised by residents particularly in terms of the repositioning of the rear garden access door, the use of Kent peg tiles on the roof and the removal of the front elevation window shutters. Conditions have also been attached to ensure the parking provision is maintained and that a native appropriate replacement tree is replanted amongst others and as such I consider the proposal to be acceptable.

## **9.0 RECOMMENDATION – GRANT Subject to the following conditions:**

### **CONDITIONS**

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in accordance with approved drawings EAS/15/18/03B and EAS/15/18/04C.

Reason: For the avoidance of doubt.

- (3) Prior to the commencement of development, samples of the external finishing materials to be used on the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and works shall be implemented in accordance with the approved details.

Reason: In the interest of preserving or enhancing the character and appearance of the surrounding and to ensure that these details are approved before works commence

- (4) Prior to the commencement of the development detailed drawings at a suggested scale of 1:5 of all new external joinery work and fittings together with sections through glazing bars, frames and mouldings shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of preserving or enhancing the character and appearance of the surrounding and to ensure that these details are approved before works commence

- (5) No development shall take place until full details of both hard and soft landscape works, including replacement tree planting, have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species, plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and to ensure that these details are approved before works commence

- (6) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (7) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area

- (8) All rainwater goods to be used as part of the development hereby permitted shall be of cast iron.

Reason: In the interest of preserving or enhancing the character and appearance of the surrounding area

- (9) Upon completion, no further development, whether permitted by Classes A, B, C or D of Part 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.

Reason: In the interests of the amenities of the area

- (10) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area

- (11) The area to the front of the dwelling shall be kept available for the parking and turning of vehicles and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land or in such a position as to preclude vehicular access thereto.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users and in a manner detrimental to highway safety and amenity

**The Council's approach to this application:**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

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

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.