

PLANNING COMMITTEE – 2 MARCH 2017

PART 2

Report of the Head of Planning

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 16/508465/FULL		
APPLICATION PROPOSAL Proposed two storey rear extension (to replace existing single storey element) to the existing dwelling and erection of an outbuilding for parking and ancillary accommodation.		
ADDRESS 1 Fairview Cottages Frinsted Road Milstead Kent ME9 0SB		
RECOMMENDATION - Approve subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development would not have a significant detrimental impact upon the character of the existing dwelling nor upon the streetscene or surrounding AONB, and that its layout and design are appropriate. It is considered that, the proposed outbuilding and rear extension will sit comfortably within the curtilage of Fairview Cottages.		
REASON FOR REFERRAL TO COMMITTEE Parish council objection and four letters of objection received.		
WARD West Downs	PARISH/TOWN COUNCIL Milstead	APPLICANT Mr James Boucher AGENT Mrs Klaire Lander
DECISION DUE DATE 17/02/17	PUBLICITY EXPIRY DATE 27/01/17	

1.0 DESCRIPTION OF SITE

- 1.01 The site is located within the southern part of the village of Milstead and it is surrounded by residential properties. 1 Fairview Cottages is a two storey; semi-detached dwelling built over 100 years ago. The front elevations of the pair of cottages are symmetrical, with pairs of casement windows, exposed timber beams at first floor, porch features and simple roof line. The side and rear elevations of 1 Fairview Cottages consist of an existing single storey element projecting to the rear.
- 1.02 To the north of the application site is a more modern detached two storey dwelling, known as Roslyn, of red brick construction which has a gable end facing the application site. Fairview Cottages and Roslyn are set back from the road with garden space located at the front. The village of Milstead has a number of local services such as Red Lion pub, Milstead pre-school, Milstead and Frinsted Primary School, a village hall, Manor Farmhouse Holiday Cottages and cricket club. The town of Sittingbourne is 3.6 miles away offering a wide range of services.

2.0 PROPOSAL

- 2.01 The application proposes a two storey extension to the rear of 1 Fairview Cottages. The extension replaces an existing single storey element in the same location. The extension is proposed to be constructed with materials to match the existing house,

with red stock brickwork at ground floor and render with exposed timber beam detailing at first floor. The extension measures 3.8m deep by 3.8m wide.

- 2.02 The application also proposes a detached outbuilding to accommodate two car parking spaces as well as ancillary accommodation, with the retention of one existing car parking space outside of the proposed outbuilding. The outbuilding will be accessed via the existing vehicular drive off Frinsted Road. The existing parking for the house is situated to the rear of the dwelling and it is proposed that the new parking is retained in this location.
- 2.03 The proposed outbuilding is one and a half storeys in height and is clad with dark-stained timber weatherboarding. It is traditionally designed to respect the visual amenities of the existing houses and the locality generally. The design, layout and scale of the proposed rear extension and outbuilding are generally characteristic of Fairview Cottages and the village setting.

3.0 PLANNING CONSTRAINTS

- 3.01 Area of Outstanding Natural Beauty KENT DOWNS

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 The following policies and paragraphs of the National Planning Policy Framework (NPPF) (March 2012) are considered to be the most relevant:
- 4.02 Paragraphs 7 and 8 set out that there are three mutually dependent facets to sustainable development – economic, social and environmental including protecting and enhancing the historic environment.
- 4.03 Paragraph 14 explains the Framework's presumption in favour of sustainable development, stating that Local Planning Authorities should: '*positively seek opportunities to meet the development needs of their area*' and that decision takers should approve development proposals that accord with the development plan (or where development plan policies are out of date) without delay.
- 4.04 Paragraph 15 states that Local Plans should follow the approach of the presumption in favour of sustainable development.
- 4.05 Paragraph 17 outlines the overarching roles/core principles of the planning system, including to: take into account the needs of the residential and business communities; to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and to encourage the effective use of brownfield land by re-using it. Planning should conserve heritage assets in a manner appropriate to their significance.
- 4.06 Section 4 promotes sustainable transport for new development.
- 4.07 Paragraphs 56 and 58 outline the importance and principles of good design in new development.
- 4.08 Paragraph 109 states that the natural and local environment should be contributed to by protecting and enhancing valued landscapes and minimising the impact on biodiversity for example.

- 4.09 Paragraph 115 outlines that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.
- 4.10 Paragraph 131 outlines a ‘*desirability of sustaining and enhancing the significance of heritage assets*’. The guidance outlines that great weight should be given to the conservation of a designated heritage asset (paragraph 132). The more important the asset, the greater the weight should be.
- 4.11 Paragraph 132 states that any harm or loss to a designated heritage asset must be justified and it is outlined that the principle of proportionality is fundamental to the decision making process so that the level of justification which is required depends on the relative significance of the designated Heritage Asset concerned.
- 4.12 Paragraph 134 relates to proposals that will result in ‘less than substantial harm’ to the significance of a designated heritage asset, stating that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 4.13 Paragraph 135 states that in considering applications that affect non-designated heritage assets: “a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.
- 4.14 Paragraph 137 outlines that LPAs should look for opportunities for new development within conservation areas to enhance or better reveal their significance. Paragraph 138 notes that not all elements of a conservation area will contribute to its significance.
- 4.15 Paragraph 186 outlines that LPAs should approach decision taking in a positive way to foster the delivery of sustainable development.
- 4.16 Paragraph 187 states that LPAs should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. LPAs should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.
- 4.17 Paragraph 215 states that due weight should be given to development plan policies adopted since 2004, according to their degree of consistency with the Framework.
- 4.18 National Planning Practice Guidance (March 2014)

On 6 March 2014 the Department for Communities and Local Government (DCLG) launched a planning practice guidance web-based resource called National Planning Practice Guidance (PPG). This Guidance sets out criteria for new developments, including in relation to: design, conservation areas and Areas of Outstanding Natural Beauty for example. Paragraph 001 of the ‘Rural Housing’ section states that rural housing is essential to ensure viable use of rural services. It also states that:

“A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.”

- 4.19 The adopted Swale Borough Local Plan 2008 saved policies are:
- SP1 - Sustainable Development

- SP5 – Rural Communities
- SP6 – Transport and Utilities
- E1 - General Development Criteria
- E6 – The Countryside
- E9 – Protecting the Quality and Character of the Borough’s Landscape
- E15 – Development affecting a Conservation Area
- E19 - Achieving High Quality Design and Distinctiveness
- E24 – Alterations and extensions
- RC4 – Extensions to, and replacement of dwellings in the rural area
- T3 – Vehicle Parking
- T4 – Cycle Parking

4.20 Swale Local Plan Proposed Main Modifications Submission Version (June 2016) policies:

- ST1 – Delivering sustainable development in Swale
- ST3 – The Swale settlement strategy
- CP4 – Requiring Good Design
- CP8 – Conserving and enhancing the historic environment
- DM6 – Managing Transport demand and impact
- DM7 – Vehicle Parking
- DM11 - Extensions to, and replacement of dwellings in the rural area
- DM14 - General Development Criteria
- DM19 – Sustainable Design and Construction
- DM24 – Conserving and enhancing valued landscapes
- DM33 – Development affecting a conservation area

5.0 LOCAL REPRESENTATIONS

5.01 Four local residents have raised the following summarised objections;

- The barn for parking and the accommodation above is in consideration for the residents of the dwellings north of Fairview cottages that maybe the glass in the North facing window in the top of the barn should be frosted or the like to respect the privacy of the adjacent gardens.
- Overcrowding within dwelling, an possible use as a separate dwelling
- Set a precedent for other dwellings to increase car parking/use in area
- Reduced highway visibility
- Loss of privacy
- Ambiguity about whether rooflights are proposed in outbuilding

5.02 One local resident supports the application because;

- In character with surrounding area
- Modest scale with existing house
- The proposal represents a high quality design, with the use of high quality materials.
- There would be no undue impacts upon residential amenities as a result of the proposal.
- The proposal preserves the setting
- In character with surrounding area
- Modest scale with existing house

- The proposal represents a high quality design, with the use of high quality materials.
- There would be no undue impacts upon residential amenities as a result of the proposal.
- The proposal preserves the setting of the Conservation Area and the Area of Outstanding
- Natural Beauty.
- Currently, parking to the rear of the dwelling appears cluttered and the proposed outbuilding will provide visual screening to this parking area, thus improving the appearance of the area.
- There are other examples locally of similar outbuildings and extensions so the proposals would respond to their wider context.
- The scale, height and massing of the proposals are appropriate.

6.0 CONSULTATIONS

6.01 Milstead Parish Council raise the following concern;

“Milstead Parish Council have some concerns with this proposal. The rear extension to the existing dwelling is acceptable, however the erection of an outbuilding for parking and ancillary accommodation is causing concerns. The large proposed window in this outbuilding would overlook all the neighbouring properties and certainly should not be permitted. All the present properties would lose their privacy. The Council also feel this is not an ancillary building but a completely separate stand-alone property. The position implies it is not connected to 1 Fairview Cottage, it is spread across two properties/gardens fenced off from these properties/gardens with no access from these. The access appears to be from the rear drive way. At the moment this agricultural track is used by two cars, with these plans the number could rise to four times that coming out on a narrow road with limited views from the left side.”

7.0 BACKGROUND PAPERS AND PLANS

7.01 Application papers for application 16/508465/FULL

8.0 APPRAISAL

8.01 This appraisal sets out the main planning considerations in the determination of the application for the proposed two storey rear extension and outbuilding to accommodate parking for two cars, and ancillary accommodation on land at 1 Fairview Cottages, Frinsted Road, Milstead ME9 OSB. The main planning considerations in relation to this application are discussed within this section and are as follows: The principle of development: Sustainable development; Streetscene and Layout; Scale and Design; Amenities of neighbouring properties; The Conservation Area; Landscape Assessment – The Area of Outstanding Natural Beauty; New House proposal on land adjacent 1 Fairview Cottages; and Transport.

The principle of development

8.02 Saved Local Plan policy RC4 states that the Council will permit modest extensions to dwellings in the rural area where they are of an appropriate scale, mass and appearance to the location. Emerging Local Plan policy DM11 similarly states that the Council will permit extensions to existing dwellings in the rural areas where they are of an appropriate scale, mass and appearance. Saved Local Plan policy E24 outlines

similar requirements for extensions to existing buildings. The application proposals are of an appropriate scale in the context of the existing house and the locality. The design of the proposal is considered appropriate and therefore, the principle of development is acceptable.

Sustainable Development

- 8.03 Paragraph 14 of the NPPF outlines a presumption in favour of sustainable development. It states that LPA's should '*positively seek opportunities to meet the development needs of their area*' and decision takers should approve development proposals that accord with the development plan (or where development plan policies are out of date) without delay.
- 8.03 The NPPF at paragraph 186 outlines that LPAs should approach decision taking in a positive way to foster the delivery of sustainable development. Paragraph 187 of the NPPF states that LPAs should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. LPAs should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. In accordance with paragraphs 7 and 8 of the NPPF, there are three mutually dependent facets to sustainable development – economic, social and environmental. These elements of the development proposal are considered within this section.
- 8.04 The materials used in the construction of the development is stated to be locally sourced, contributing to a reduction in environmental impact of the proposal. The provision of ancillary accommodation to include office space is to allow the residents of 1 Fairview Cottages to work from home thus reducing the need to travel or develop office space elsewhere in the village, having environmental benefits.
- 8.05 The proposed development is designed to enhance the existing dwelling. It is stated within the submitted planning statement that, the proposals will improve the quality of the housing stock available in the village of Milstead which will have a social benefit, and, the potential use of the ancillary floorspace for office space will help to financially support the residents of 1 Fairview Cottages and the proposal will also support construction jobs which will have economic benefits. It is considered that there is some merit in this statement.
- 8.06 There are some social, environmental and economic benefits to the proposal, all of which comprise the individual facets of sustainable development in accordance with the NPPF. Therefore, on some level, the proposal is thus considered to constitute sustainable development in accordance with the NPPF, saved Local Plan policy SP1 and emerging Local Plan policy ST1.

Streetscene and Layout

- 8.07 The proposed extension and outbuilding are located to the rear of 1 Fairview Cottages and will therefore be largely hidden from view from Frinsted Road. As a result, there will be no significant detrimental harm to the streetscene. Instead, the prominence of Fairview Cottages within the local streetscene will be retained.
- 8.08 The proposed outbuilding is proposed to be sited within the residential curtilage of 1 Fairview Cottages and it is rectangular in shape - running adjacent to the rear boundary of the application site. The siting of the outbuilding is considered appropriate since it provides covered parking spaces in the location of existing parking spaces to

the rear of the property. The garden space to the rear of the site can comfortably accommodate the proposed outbuilding, whilst maintaining separation with the proposed extension and neighbouring properties.

- 8.09 The two storey rear extension is situated on the northern side of the rear elevation, maintaining adequate separation with neighbouring properties. The proposed block plan demonstrates that the footprint of the proposed rear extension and outbuilding sits comfortably within the prevailing urban grain and character of the settlement.

Scale and Design

- 8.10 Saved Local Plan policies E1 and E19 require development to be of high quality design and to be appropriate to its context, in respect of scale, height and massing. This is echoed by saved Local Plan policies E24 and RC4 as well as emerging Local Plan policies CP4, DM14 and DM19.
- 8.11 The proposed extension is considered to be in scale and relative to the existing dwelling, being 3.8m deep and 3.8m wide. The ridge of the extension is set below the ridge line of the main house. The scale of the outbuilding reflects its function for the parking of two cars plus for the provision of additional ancillary accommodation to the house, which is currently limited in terms of its provision, with no garden storage facilities or study. The outbuilding is stated to provide ancillary floorspace for the main dwelling. The scale of the building is appropriate to its context at one and a half storeys in height. The scale, height and massing of the two-part proposals are therefore considered to be appropriate.
- 8.12 The application being considered represents a high quality design, with the use of high quality materials. The materials proposed for the rear extension will match those found on 1 Fairview Cottages, with clay roof tiles, rendered and exposed timber beams at first floor and red stock brick at ground floor level'. The materials for the outbuilding will reflect an agricultural barn-style, with timber featheredge weatherboarding, timber doors and windows. The outbuilding features half hip detail to the roof and exposed timber beam details.
- 8.13 It appears that the proposed rear extension reflects similar developments at Milstead Manor to the north and Hoggeshaws to the north-west of the site which, reinforce the acceptability of an extension in this location. The proposals are therefore appropriate in terms of their scale and design and respond and reflect the positive characteristics and features of the locality. The proposal thus complies with saved and emerging Local Plan policies as well as the NPPF.

Amenities of neighbouring properties

- 8.14 It is considered that there would be no undue detrimental impacts upon residential amenities because of the proposal. There is more than adequate separation between the proposed extension and outbuilding and the two neighbouring properties. There are no first floor windows proposed in the side elevations of the extension, thus ensuring that overlooking of neighbouring properties will not present a problem and therefore considered not to result in overshadowing or overbearing of this property. The proposal therefore complies with saved Local Plan policy E1 and emerging Local Plan policy DM14. With regard to the windows in the outbuilding proposed, these only face towards the far ends of neighbours gardens, not their more private amenity areas close to the rear walls of the houses. To that extent I do not consider that any

unacceptable loss of privacy will result. As far as rooflights are concerned I have recommended a condition to resolve the ambiguity in the drawings.

The Conservation Area

- 8.15 The site is located to the south of the Milstead conservation area. There is currently no conservation area appraisal available for Milstead, and as such, an informed judgement needs to be made regarding any impact upon the conservation area of any proposed new development. The Council's conservation area guidance, however, does state: 'A high standard of development therefore will be required for all buildings in conservation areas and for extensions to existing buildings'.
- 8.16 In this instance, it is considered that the proposal will have no significant detrimental impact upon the setting of the conservation area. The proposed rear extension and outbuilding will sit comfortably within the streetscene and the prevailing urban grain; are of a traditional and high quality design, with the use of high quality materials; and the design reflects the positive characteristics and features of the existing dwelling and will respect the scale and design of the property. The proposal thereby responds to and reflects the positive characteristics and features of the locality.
- 8.17 Therefore, the proposed development will preserve the character and appearance of the conservation area, in accordance with saved Local Plan policy E15 and emerging Local Plan policies CP8 and DM33 of Swale Local Plan Proposed Main Modifications Submission Version (June 2016).

Landscape Assessment – The Area of Outstanding Natural Beauty

- 8.18 Paragraph 115 of the NPPF, saved Local Plan policy E9 and emerging Local Plan policy DM24 relate to development within an Area of Outstanding Natural Beauty (AONB). Great weight should be given to conserving landscaping and scenic beauty within AONBs. Saved Local Plan policy E6 requires the character and amenity value of the wider countryside to be protected and enhanced.
- 8.19 The proposed development is not set entirely within the context of open countryside, but flanked by houses to the north and south. The AONB in this location is built up and not open in character. The proposed extension and garage on the application site would not detract from any special qualities of the AONB.
- 8.20 The proposed outbuilding will provide covered parking and garden storage space for 1 Fairview Cottages – the application site. Currently, the existing parking arrangements to the rear of the dwelling, appears cluttered and the proposed building will provide visual screening to this parking area, thus improving the appearance of the area. The internal storage space will allow space to store garden items, cycles etc. This is also to replace the existing shed which is currently located adjacent to the rear elevation of the property.
- 8.21 It is considered that the scale and layout of the proposed development is appropriate in this location. There are no long range views of the site from the neighbouring area.
- 8.22 In respect of the guidelines contained in the Council's Landscape Character Assessment, the site lies within the 'Bicknor: Mid Kent Downs'. The guidelines for this landscape type relate to dense belts of woodland and views across the Swale Estuary. The Assessment refers to 'historic parkland, hops and orchards' which require protection and enhancement. The proposed garage and extension will not harm the

landscape character of Milstead. The Kent Downs AONB's Management Plan 2014-2019 outlines the aim of protecting the special character of the AONB and locates the site within the 'Mid Kent Downs'. In accordance with the Management Plan, the proposed development utilises quality materials and is of a high quality design. None of the 'special characteristics and qualities of the AONB' as outlined on page 7 of the Management Plan will be prejudiced by the proposed development. The proposal therefore protects the aims of the Management Plan.

- 8.23 The character of the Area of Outstanding Beauty will therefore be protected by the proposals. The proposal thus complies with the NPPF, saved Local Plan policy E9 and emerging Local Plan policy DM24.

New House proposal on land adjacent 1 Fairview Cottages

- 8.24 This application for a two storey extension and outbuilding at 1 Fairview Cottages is submitted alongside an application for proposed new house adjacent to 1 Fairview Cottages. The Masterplan (drawing number 16-10-22) submitted with this application illustrates how all of the proposals would be laid out on the overall site. Approval of this application is not dependant on the decision on that application.

Transport

- 8.25 The existing vehicular access to the proposed outbuilding will be utilised, off Frinsted Road. This access currently provides vehicular access to the parking spaces to the rear of 1 Fairview Cottages. It is considered that the proposal will not generate any additional traffic, as such the amenities of the designated 'rural lane' and the safety of the highway network will be protected, in accordance with emerging Local Plan policy DM6.
- 8.26 Parking spaces will be located to the rear of 1 Fairview Cottages, in the proposed outbuilding which will meet the parking provision necessary for the occupiers of the property, in accordance with saved Local Plan policy T3 and emerging Local Plan policy DM7.

9.0 CONCLUSION

- 9.01 It has been established that the proposed rear extension and outbuilding is in accordance with saved Local Plan policy, emerging Local Plan policies and the NPPF. There is clear policy support at local and National level for the provision of extensions to existing dwellings within rural locations. The proposal is supported by local and national policy which sets a presumption in favour of sustainable development.
- 9.02 It has been outlined that the proposal would not have a significant detrimental impact upon the streetscene and that its layout and design are appropriate. It is considered that, the proposed outbuilding and rear extension will sit comfortably within the curtilage of Fairview Cottages. The space between the proposals and the neighbouring property is adequate and the residential amenities of neighbouring properties will be protected.
- 9.03 The proposals will protect the character and appearance of the Milstead Conservation Area and there will also be no harm caused to the Area of Outstanding Natural Beauty because of the proposal. None of the 'special characteristics and qualities of the AONB' as outlined within the AONB Management Plan will be prejudiced by the

proposed development. The proposal therefore protects the aims of the Management Plan, as well as Swale’s Landscape Character Assessment.

- 9.04 It is concluded that the proposals accord with Development Plan policies as well as other material considerations and that planning permission is recommended for the proposed rear extension and outbuilding at 1 Fairview Cottages, Frinsted Road, Milstead.

10.0 RECOMMENDATION – GRANT Subject to the following 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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those on the existing building in terms of type, colour and texture. The roofing materials used on the outbuilding shall match those used on the house/extension. All external boarding on the outbuilding shall be featheredged weatherboarding.

Reason: In the interests of visual amenity.

- (3) The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.

Reason: In the interests of residential amenity

- (4) Notwithstanding the indication shown on drawing 16_09_10 no rooflights or any additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the detached outbuilding, or in the extension to the main dwelling hereby permitted.

Reason: To prevent the overlooking of adjoining properties and to safeguard the privacy of their occupiers.

- (5) The outbuilding hereby permitted shall be used for purposes ancillary and/or incidental to the main dwelling at all times and it shall not be used as a separate unit of living accommodation.

Reason: In the interests of residential amenity

Council’s approach to the 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 applicants 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.