

2.2 REFERENCE NO - 17/502213/FULL			
APPLICATION PROPOSAL Erection of a detached outbuilding to provide garages with storage facilities at ground floor level and home office with ancillary accommodation at first floor level. (Part retrospective).			
ADDRESS Mill Farm House Otterham Quay Lane Upchurch Sittingbourne Kent ME8 7XA			
RECOMMENDATION Grant, subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION The proposal would not give rise to unacceptable harm to the countryside, residential or visual amenities.			
REASON FOR REFERRAL TO COMMITTEE Recommendation contrary to Parish Council view / called in by Cllr Lewin			
WARD Hartlip, Newington And Upchurch	PARISH/TOWN COUNCIL Upchurch	APPLICANT Miss Jane Bastow AGENT LRD Simmons	
DECISION DUE DATE 19/06/17	PUBLICITY EXPIRY DATE 31/05/17		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/01/0974	Erection of a detached garage block with ancillary storage accommodation.	Approved	12.12.2002

1.0 DESCRIPTION OF SITE

- 1.01 The application site comprises a detached dwelling set in generous grounds. The land levels of the site vary. The site is accessed by a driveway of some 85m in length and is situated between farmland to the north and Upchurch River Valley Golf Course to the south.
- 1.02 A large outbuilding in a similar position and of single storey form was approved here in 2002 but this has not been built.
- 1.03 The closest residential property to the site is Mill House which shares a common boundary with the application site and lies to the east.

2.0 PROPOSAL

- 2.01 This application seeks part retrospective planning permission for the erection of a two storey outbuilding. This unauthorised building had previously been constructed up to two storey height, but part of the building has since collapsed leaving a single storey unfinished structure now in situ. The eaves height of the two storey structure which was previously partly constructed was 0.8m in excess of the eaves height now proposed.
- 2.02 The proposed outbuilding is located approximately 0.4m – 0.5m from the common boundary with Mill House and close to the end of the access driveway to the application site.

- 2.03 The outbuilding as now proposed to be re-built and completed would be two storeys in height with garages and storage at ground floor level and office space, a kitchen and a shower room at first floor level. The outbuilding would have an external staircase and balcony on the northern elevation. The footprint of the building (excluding these external elements) would measure 16.5m x 6m, 4.3m to the eaves and 7m in overall height with a pitched roof. 4 garage doors and 4 rooflights would be located on the western elevation facing inwards on the application site. On the northern elevation a pedestrian access door and window would be located on the first floor, accessed by the external staircase whilst on the southern elevation a pedestrian access door and window would be located at ground floor level with a large window and Juliet balcony at first floor level.
- 2.04 The external finishing materials would be rendered blockwork and Upvc grey horizontal cladding under grey concrete roof tiles.

3.0 PLANNING CONSTRAINTS

- 3.01 Potential Archaeological Importance

4.0 POLICY AND OTHER CONSIDERATIONS

Swale Borough Local Plan 2008

- 4.01 Saved policies E1 (General Development Criteria) E6 (The Countryside) E19 (Design Criteria)

Emerging Swale Borough Local Plan 'Bearing Fruits' 2031

- 4.02 CP4 and DM14 of The Swale Borough Local Plan Proposed Main Modifications June 2016.

5.0 LOCAL REPRESENTATIONS

- 5.01 Three letters of objection have been received which raise the following summarised issues:
- The proposed outbuilding is disproportionately large when compared to the main dwelling;
 - The office space cannot reasonably be described as a home office;
 - The inclusion of a kitchen and shower room infers a different use to the one proposed;
 - The proposal is 50cm away from the common boundary with Mill House, failing to leave sufficient space for future maintenance;
 - Concern about the safety of the structure so close to the common boundary;
 - The scale and location of the building will mean it will have a significantly overbearing impact upon the neighbouring property dominating the view from the adjacent land and dwelling;
 - The outbuilding will dominate the landscape from every direction, standing above the surrounding buildings;
 - The external staircase and balcony will overlook Mill House and the window on the south elevation at first floor level will overlook Mill House and 143 Wallbridge Lane – if the development is approved then this window should be removed;
 - The design of the outbuilding and the use of materials is out of keeping with the surrounding area;

- The building is more overbearing than the outbuilding previously granted consent;
- One of the conditions of the previous approval required the retention of the tree screen to obscure views of the development, however, these trees are no longer present;
- Given that the previous consent has expired and the current building is located in a different location this current proposal must be treated as a new application and judged on current planning policies;
- Due to the amount of garaging space for vehicles there are concerns in terms of the noise of the vehicles / machinery accessing the property and will potentially increase traffic on a dangerous corner;
- What type of vehicles will be stored here and questions over possible noise and chemical pollution;
- Increase in vehicular activity raises concerns regarding the wildlife in adjoining orchards;
- Concerned regarding the accommodation aspect of this building;
- *'Object to any further building or construction at this site'*

6.0 CONSULTATIONS

- 6.01 Upchurch Parish Council objects to this application and make the following comments:

"Councillors have considered the application and were concerned that the neighbour will be overlooked by the balcony and the stairs. Concern was also raised about the close proximity of the proposal to the boundary; the development seems excessive for the location; the Mill House is an old building with peg tiles and the development is not in keeping with the proposal; the plan specifies it is a home office and it is excessive for office space; the development is on the high point of the village and will have a detrimental visual impact and there will be a potential increase in traffic. If the drawing is to scale the proposal will be disproportionate to the main house."

- 6.02 Cllr Gerry Lewin stated:

"I wish, as a Ward Member, to call this application in if it is to be recommended for approval by officers."

The application site at Mill Farm was the location of a windmill built in the 1700's by John Peek. It's location at the top of a hill meant it was not in a wind shadow also it was used as a formal navigation mark for ships navigating the river Medway. Any structure being built in this historic location will need to be sensitive to views from quite a large number of locations e.g. Wallbridge Lane, the golf course, Mill House, footpath ZR7 etc.

The proposed two storey building is inappropriate in this location due to its visual intrusion in a sensitive location, particularly its relationship with Mill House.

There has to be some doubt as to whether the second floor qualifies as a "home office" due the large area allocated to office space and the provision of a kitchen and toilet/shower room when the main residence is close by.

I believe the current application should be refused and officers should be delegated to seek an amended design for a single storey building for garage space and an annexe for a "home office".

The delegation should include relocation to at least the position of the 2002 permission and make use of materials that reflect the “template” of local texture and colour.”

- 6.03 KCC Public Rights of Way do not object to the application.
- 6.04 Swale Footpaths Group notes that a Public Right of Way lies outside of the site.
- 6.05 Natural England have no comments to make on this application.
- 6.06 The County Archaeological Officer raises no requirement for archaeological measures.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 Application papers and correspondence relating to planning reference 17/502213/FULL.

8.0 APPRAISAL

Principle of Development

- 8.01 This application has been invited by the Council after it became apparent that a structure was being built on the application site without planning permission. As set out above, an application for a detached garage block with ancillary storage accommodation was approved under SW/01/0974. The footprint of the development previously approved was larger than the outbuilding that permission is now being sought for but it was of a single storey form and set slightly further from the neighbour's boundary than the current building works. The site lies within the countryside, however between the previous approval being granted and the current time I do not consider that rural protection policies have become so much stricter as to impact upon the principle of development in this location. As a result I take the view that the principle of an outbuilding in this countryside location is acceptable subject to amenity considerations.

Visual Impact

- 8.02 Concern has been raised that the location of the outbuilding will be especially prominent within the surrounding landscape. The site itself is fairly unusual for a residential property in so far as land levels are particularly varied and, as local objectors have noted, the outbuilding will sit on a part of the site where the land levels are raised. The result of this is that the structure will be visible from public vantage points outside of the site. The surrounding landscape is mixed and includes residential properties of varying styles, farmland and the Upchurch River Valley Golf Course. As a result, built form to some extent does feature in the landscape. However, I take the view that the building would not be so prominent from the various vantage points as to be unacceptable.
- 8.03 I note that objections relate to the proposed materials which are as set out above. I do not believe that within the surrounding area there is such a consistent use of a particular type of material that a departure from this would cause serious harm to visual amenities. As such, I take the view that a mixture of rendered and uPVC weatherboarded walls and concrete roof tiles, giving a more contemporary finish to the building, would not be so out of keeping as to amount to a reason for refusal, and

in any case, if Members consider these materials unacceptable a condition can be imposed requiring details of alternative materials.

- 8.04 When the previous permission was granted on this site the drawings showed an existing line of conifers close to the southern elevation of the building. These trees have now been removed. Planting in this location would screen some of the development from views from the south where the golf course is located. However, I have viewed the site from the golf course and do not believe that the building would be so prominent from this direction that additional planting is required.

Residential Amenity

- 8.05 I also note the concern from neighbouring occupiers regarding the impact of the building upon residential amenities. The outbuilding is located within very close proximity of the common boundary with the extensive amenity space of Mill House. However, I give significant weight to the location of this neighbouring property and this house it is set approximately 44m away from the proposed outbuilding. Furthermore, I also consider the garden of Mill House to be generously proportioned and take the view that the outbuilding, located close to the rear most part of the amenity space of Mill Farm would not be so significantly overbearing as to be unacceptable. There would clearly be issues with maintaining the building from inside the application site due to the proximity with the common boundary. However, accessing the site from the neighbouring land for maintenance would be a private matter falling outside of material planning considerations and as a result Members cannot take this into account.
- 8.06 The scheme does also include an external staircase and a balcony area on the north elevation of the building. The balcony due its size would in my view provide the opportunity for outside seating for a limited number of people. Elevated views into the private amenity space of Mill House would also be available from the external staircase. I believe that the level of overlooking would be harmful and as a result I have included a condition which requires a privacy screen to be erected on the east elevation facing Mill House to mitigate against this.
- 8.07 Although on the eastern elevation facing Mill House there are no openings there is a relatively large window on the first floor of the south elevation. Due to the angle of the window and that it faces south (Mill House is to the east) I do not believe that the layout of the host and adjacent site would allow for significantly harmful levels of overlooking in this regard. I also note the objection received from the occupier of No.143 Wallbridge Lane in relation to overlooking of their property. However, the views available from this specific window would be even more restricted towards this property than Mill House. Furthermore, at the closest point, the outbuilding would be 40m away from the curtilage of No.143. Due to the distance and the configuration of the layout I do not believe that the proposal would give rise to any serious harm in this regard.

Other Matters

- 8.08 Although the proposed outbuilding is of a significant scale, it is intended to be used for purposes which are ancillary or incidental to the residential use. I have included a relevant condition to control this. There is a kitchen and a shower room included in the outbuilding, however there are no other domestic features which would allow for residential use. Notwithstanding this, I note the concern regarding these elements of the development and as such have requested from the applicant that further details are submitted as to the reason for the size of office that is proposed. Furthermore I

have requested that the kitchen and shower room be reduced in size. I will update Members on the further information and amendments requested at the meeting.

8.09 In relation to the vehicles accessing the site, this is a domestic property and as such I do not consider that the type of vehicles and the expected levels of vehicular movements would give rise to harmful levels of noise or have a significantly adverse impact upon wildlife in the surrounding area.

8.10 I am aware that a part of the partially constructed building collapsed into the adjoining amenity space of Mill House and I have sympathy with the occupants of this property due to the concern that this caused them. However, the structural integrity of the building is not a matter which can be taken into account when determining the planning application and will be required to be dealt with under Building Regulations.

9.0 CONCLUSION

9.01 I recognise the concerns of the Ward Member, the Parish Council and neighbours in respect of the application. However, in the context of the size of the curtilage of the host and neighbouring properties and what I consider to be an acceptable design I take the view that the proposal would not give rise to unacceptable harm to the countryside, visual or residential amenities. I recommend that planning permission is granted.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

1) The development hereby approved shall be carried out in accordance with the following drawings: 1596/WHU/02; and 1596/WHU/03 (received 24th April 2017).

Reason: For the avoidance of doubt.

2) The building hereby permitted shall not be used at any time other than for purposes ancillary and/or incidental to the residential use of the dwelling known as "Mill Farm House".

Reason: As its use as a separate unit of accommodation would be contrary to the provisions of the development plan for the area.

3) The facing materials to be used in the construction of the external surfaces of the building hereby permitted shall be as set out on the application form.

Reason: In the interests of visual amenity.

4) No further development shall take place until details of a 2 metre high screening panel to be erected on the east facing elevation of the external staircase and balcony hereby approved have been submitted to and approved in writing by the Local Planning Authority. The panel shall be erected prior to the first use of the external staircase and balcony and shall thereafter be implemented in accordance with the approved details.

Reason: In the interest of residential amenity.

5) Notwithstanding the provisions of Class E of Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no additional windows, doors, voids or other openings shall be

inserted, placed or formed at any time in the east facing first floor wall of the building hereby permitted.

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

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.