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| 2.2 REFERENCE NO - 18/503348/FULL | | |
| APPLICATION PROPOSAL Erection of a detached outbuilding to provide garages with storage facilities. (Part retrospective). | | |
| ADDRESS Mill Farm 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 The previous resolution of the Planning Committee for this application was to delegate authority to officers to approve subject to, amongst other things, a reduction in height of the roofspace to 1.5 metres. The applicant does not wish to do so, and the application therefore returns to the Planning Committee for a decision. | | |
| WARD Hartlip, Newington And Upchurch | PARISH/TOWN COUNCIL Upchurch | APPLICANT Miss Jane Bastow AGENT LRD Simmons, RIBA |
| DECISION DUE DATE 30/08/18 | | PUBLICITY EXPIRY DATE 02/08/18 |

Planning History

17/502213/FULL

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).

Refused Decision Date: 18.09.2017

SW/01/0974

Erection of a detached garage block with ancillary storage accommodation

Grant of Conditional PP

SW/95/0694

DETACHED DOUBLE GARAGE

Grant of Conditional PP

SW/95/0246

DETACHED DOUBLE GARAGE, WITH GRANNY-FLAT OVER

Refused

1.0 BACKGROUND

1.1 This application was reported to the Planning Committee at its meeting on 13th September last year, with a recommendation for approval. At the meeting, Members were concerned that the proposed outbuilding was excessive in bulk and scale and delegated authority to officers to approve the application, subject to a reduction in height (and to additional conditions). The previous Committee report and the minutes of the meeting are appended to this report.

1.2 This was put to the applicant who did not wish to amend the drawings, and who advised that they would be submitting an appeal against non-determination of the application.

The application was put on hold, awaiting the submission of this appeal, but to date none has been submitted. The application is therefore being reported back to the Planning Committee for Members to consider on the basis of the plans as submitted. The detail of the scheme remains as it was at the September 2018 Meeting. Members should therefore refer to the attached report and minutes for these matters.

2. APPRAISAL

- 2.1 As I set out above, the scheme remains unaltered. As such, my consideration of the proposal remains unaltered and Members should refer to the report and minutes appended to this report.
- 2.2 Whilst I respect the view of the Planning Committee, my conclusion remains that the outbuilding would not cause harm to visual or residential amenity, nor to the character and appearance of the countryside, as set out in the previous report and minutes.

3. CONCLUSION

- 3.1 I recommend that planning permission is now granted. The conditions remain as previously recommended to Members, save for condition (3), which now requires details of facing materials to be submitted and approved. This reflects the resolution of the Planning Committee in September 2018.

4. RECOMMENDATION

GRANT Subject to the following conditions

CONDITIONS to include

- (1) The development hereby approved shall be carried out in accordance with the following drawings: 1596/WHU/05 (received 22nd June 2018).

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) Notwithstanding the submitted details, no development beyond the construction of foundations shall take place until full details of the facing materials to be used in the development hereby approved have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

- (4) 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.

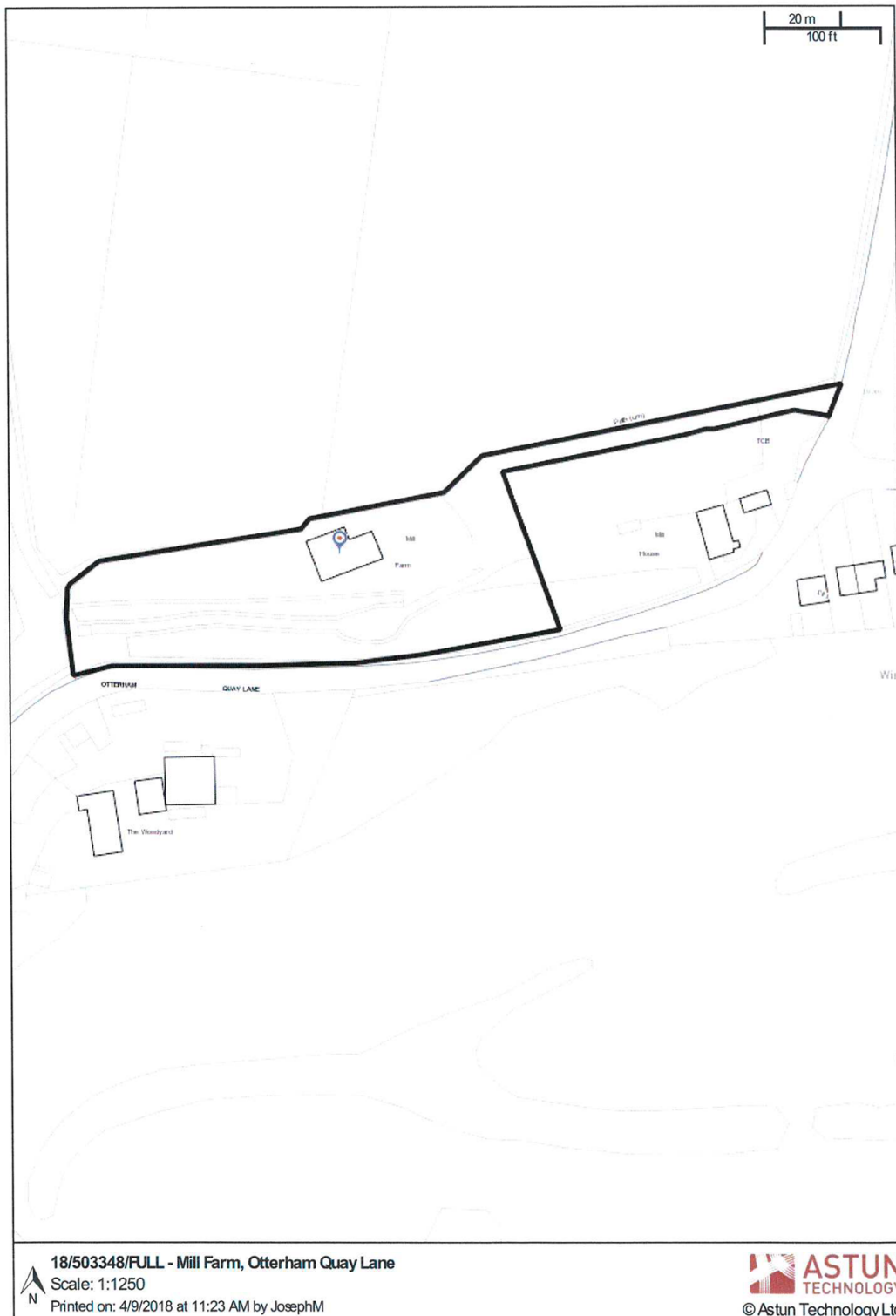
The Council's approach to this application:

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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.



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ITEM 2.1

PLANNING COMMITTEE – 13 SEPTEMBER 2018**PART 2**

Report of the Head of Planning

PART 2Applications for which **PERMISSION** is recommended

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| 2.1 REFERENCE NO - 18/503348/FULL | | | |
| APPLICATION PROPOSAL Erection of a detached outbuilding to provide garages with storage facilities. (Part retrospective). | | | |
| ADDRESS Mill Farm Otterham Quay Lane Upchurch Sittingbourne Kent ME8 7XA | | | |
| RECOMMENDATION - Approve | | | |
| 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 | | | |
| WARD Hartlip, Newington And Upchurch | | PARISH/TOWN COUNCIL Upchurch | APPLICANT Miss Jane Bastow AGENT LRD Simmons, RIBA |
| DECISION DUE DATE 30/08/18 | | PUBLICITY EXPIRY DATE 02/08/18 | |
| RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): | | | |
| App No | Proposal | Decision | Date |
| 17/502213/FULL | 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). | Refused | 18.09.2017 |
| 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. A large outbuilding in a similar position and of single storey form was approved here in 2002 but this has not been built.
- 1.02 The closest residential property to the site is Mill House which shares a common boundary with the application site and lies to the east.

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2.0 PROPOSAL

- 2.01 This application seeks part retrospective planning permission for the erection of a one 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 proposal now seeks a reduced garage building compared to the proposal refused under ref 17/502213.
- 2.02 The building would measure 16.5m in length by 6m in width with a finished ridge height of 5.1m and an eaves height of 2.4m. The previously refused garage measured 4.3m to the eaves and 7m in overall height.
- 2.03 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.
- 2.04 Four garage doors and four rooflights would be located on the western elevation facing inwards on the application site. On the southern elevation a pedestrian access door and window would be located at ground floor level.
- 2.05 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

- 4.01 Policies CP4 and DM14 of the adopted SBLP2017.

5.0 LOCAL REPRESENTATIONS

- 5.01 None have been received.

6.0 CONSULTATIONS

- 6.01 Upchurch Parish Council has objected to the application and have made the following comments:
 - 'The construction materials are not in keeping with the surrounding houses, especially that it would overshadow Mill House which is an 18th century building with Kent peg tiles
 - The building is obtrusive as it will be on the highest point of the land
 - It is excessive for a garage to have so much storage space and to be so tall
 - The upstairs has a doorway but there is no internal staircase leading to the door
 - The plans do not show the other buildings
 - There would be adverse visual impact
 - There is not enough detail in the documents.
 - In the plans on the portal is a set of drawings 2017 1596/whu/01, are these in this application?
- 6.02 KCC Public Rights of Way and Access Services- no comment to make.
- 6.03 Natural England- no comments to make on the application.

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6.04 I am awaiting the comments from the County Archaeological Officer.

7.0 BACKGROUND PAPERS AND PLANS

7.01 Application papers and correspondence relating to planning reference 17/502213/FULL and 18/503348/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. Planning application reference 17/502213 was refused at committee in 2017 for the following reasons:

The building's bland design and choice of materials of UPVC cladding would create a poor visual impact and the balcony steps would give rise to harmful levels of overlooking into the neighbouring property known as Mill House. Furthermore, due to the rising contours of the land the scale and mass of the building would have an overbearing impact when viewed from Mill House and Wallbridge Lane. The proposal would have a detrimental impact on the local landscape and the cumulative impacts of the development would result in demonstrable harm to the area and would be contrary to policies ST3 and DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.'

8.02 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

8.03 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 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. Furthermore, following the refusal of the previous application the ridge height has been reduced down to 5.1m which is a 1.9m reduction in the overall height which greatly reduces the buildings prominence in the wider landscape setting.

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- 8.04 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.
- 8.05 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

- 8.06 I have taken into consideration the potential amenity impact of the building on the occupiers of the neighbouring residential property. 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.
- 8.07 The reduction of the scale of the proposed building greatly reduces any potential impact on the residential amenity of the occupiers of Mill House. The proposal does not feature first floor accommodation and therefore there are no overlooking concerns.

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.
- 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.

9.0 CONCLUSION

- 9.01 I recognise the concerns of the Parish Council 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. Furthermore, the revised scheme now seeks permission for an outbuilding with a reduced height and no additional floorspace in the roof. I recommend that planning permission is granted.

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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/05 (received 22nd June 2018).

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) 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.

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| 2.1 REFERENCE NO – 18/503348/FULL | | |
| APPLICATION PROPOSAL | | |
| Erection of a detached outbuilding to provide garages with storage facilities. (Part retrospective). | | |
| ADDRESS Mill Farm Otterham Quay Lane Upchurch Sittingbourne Kent ME8 7XA | | |
| WARD Hartlip, Newington and Upchurch | PARISH/TOWN COUNCIL Upchurch | APPLICANT Miss Jane Bastow AGENT LRD Simmons, RIBA |

The Area Planning Officer drew attention to an error on page 102, paragraph 2.04 of the Committee report, which referred to there being four rooflights in the roof of the garage. He stated that this was incorrect as there were no rooflights proposed. The Area Planning Officer reported that a letter of objection had been received from the occupiers of the neighbouring property, which he summarised for Members.

Parish Councillor Gary Rosewell, Upchurch Parish Council, spoke against the application.

Mr Brian Evans, an objector, spoke against the application.

The Chairman moved the officer recommendation to approve the application and this was seconded by the Vice-Chairman.

Members considered the application and raised points which included: concerned about the materials to be used and suggest a condition ensuring that the colour of the materials to be used matched those of the existing dwelling house; concerns about the amount of roof space; concerns about the height of the proposed building in a rural location; the building materials should be in-keeping with the rural location; would prefer to see wooden doors; should defer application until both the applicants and the Parish Council were happy with the proposals; it was a shame that the proposed development was only 50cm from neighbouring boundary fence as it would always cause problems between the two neighbours; the current structure was dangerous and should be demolished; the roof space had already been reduced; condition (2) could specify that the roof space was not allowed to be converted; and unreasonable to suggest using kent peg tiles; and cement roofing was not a bad choice but needed to ensure it was the right colour which could be achieved with the right conditions.

Following comments from the registered speaker about a previous application at the site, the Area Planning Officer referred to the minutes of the Planning Committee meeting held on 17 August 2017 which stated: *The Area Planning Officer stated that he understood that at the site meeting Members queried whether the planning permission for an outbuilding in a similar position had been implemented. He advised that the applicant had provided further details in the form of materials and builder's receipts. He advised members that it appeared likely to him that the permission has been implemented.* The Area Planning Officer stated that the situation had not changed and that the minutes of that meeting had been agreed by Members.

Councillor Andy Booth moved the following motion: that the application be referred back to the applicant in order that the space in the roof be reduced to 1500mm, and

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negotiate with officers to reduce the overall height of the building. This was not seconded.

In response to questions from Members, the Area Planning Officer advised that the roof from eaves to ridge was 2.5 metres. The PVC cladding was on the gable end and the roofing materials would be rendered in concrete. The applicant had no plans for her disabled brother to use the roof for living accommodation. The structure of the building in terms of stability was not a planning issue and was dealt with under separate legislation.

With regard to additional conditions, the Area Planning Officer stated that materials could be imposed requiring either better cladding, or no cladding at all, and also a condition to lower the ridge height, he suggested Members delegate authority to approve subject to the imposition of appropriate conditions. He stated that with regard to the roof space, they could request a condition to reduce the ridge height due to its impact on the character of the area, but not because of what the roof space may or may not be used for.

The Chairman stated that if this was not achieved, then the application would be referred back to Committee.

Resolved: That application 18/503348/FULL be delegated to officers to approve subject to a reduction in height of the roofspace to 1.5 metres, to conditions (1) to (4) in the report and the imposition of suitable conditions to ensure suitable materials, including appropriate colour of materials were used. If this was not achieved the application would be referred back to Committee.