

2.5 REFERENCE NO - 19/501799/FULL		
APPLICATION PROPOSAL Demolition of existing outbuilding and erection of a single storey one bedroom dwelling with 4 roof lights and bike store. Proposed Parking and garden to side. (Revised scheme to 18/502384/FULL)		
ADDRESS Porch House The Street Eastling Faversham Kent ME13 0AY		
RECOMMENDATION – Grant subject to conditions		
REASON FOR REFERRAL TO COMMITTEE Parish Council Objection		
WARD East Downs	PARISH/TOWN COUNCIL Eastling	APPLICANT Gail Boucher AGENT Redsquare Architects Ltd
DECISION DUE DATE 10/06/19	PUBLICITY EXPIRY DATE 24/05/19	

Planning History for this building

18/502384/FULL

Conversion and rear extension of outbuilding to create a single storey one bedroom dwelling with 4 roof lights and bike store. Proposed Parking and garden to side.

Approved Decision Date: 30.07.2018

SW/88/1348

Conversion of existing barn and workshop to single dwelling.

Refused Decision Date: 10.11.1988

Planning History for Porch House itself

SW/10/1244

Change of use of three bedrooms of existing property to B and B use.

Approved Decision Date: 07.12.2010

1. DESCRIPTION OF SITE

- 1.1 The site is within the built-up area boundary of Eastling, within the Eastling conservation area, and within the Kent Downs Area of Outstanding Natural Beauty (AONB). It is also close to the grade II listed Porch House to the north and further listed properties to the south. The building in question sits behind dwellings fronting The Street, with access down a shared alleyway between existing dwellings; an alleyway that is currently used by several dwellings for access. Just to the north of Porch House a small two storey house known as Little Kings which sits back from The Street. This property is accessed only by a pedestrian path and has the appearance of once being an agricultural or storage building.
- 1.2 The application site/building is located to the south west of Porch House and lies directly to the rear of Laburnum Cottage and The Nook which are both houses that front onto The Street. The proposed development is within the extended curtilage of Porch House which actually runs across the rear of these adjacent properties, but the building is not part of its historic curtilage. Porch House has no direct vehicular access to The Street, but utilises the shared alleyway between two houses (The Old Post Office and The

Nook) to park at the rear of Laburnum Cottage, where it has use of a modern double garage and open parking areas to the immediate north of the current application building. The Old Post Office has several windows and a door facing onto this alleyway, and its occupants need to use the alleyway to get to their garden which lies at the end of the alleyway, as the land immediately behind the house is the garden to another house.

- 1.3 The planning history of Porch House includes numerous applications for alterations, but of more significance are three applications (see above) which relate to this area/building, all of which were opposed by neighbours on traffic and other grounds. Firstly, refusal in 1988 of an application to convert this exact building into a one bedroom house. Secondly, approval of Bed and Breakfast use of three bedrooms in Porch House in 2010 with guest parking shown at this location, where six parking spaces were said to be available. Thirdly, a recent approval in 2018 for conversion of this exact building into a new dwelling.
- 1.4 The 1988 application indicated conversion of the current application building into a one bedroom bungalow, but the scheme included alterations to the roof which showed a front facing window at first floor level. Although no upper floor accommodation was shown, the dormer window would have faced towards the private rear garden areas of Laburnum Cottage and The Nook. The application was refused on the following grounds, with the support of Kent Highways at that time.
- (i) The proposed residential development would, by virtue of its position, represent an undesirable form of backland development, seriously detrimental to the residential amenities of dwellings fronting The Street on either side of the proposed access by reason of increased traffic and disturbance over the access and unacceptable loss of privacy and amenity resulting from the permanent residential occupation of the site;
 - (ii) The proposal would introduce new development to the rear of the existing linear pattern of development in the village in a manner detrimental to the character and amenities of the conservation area;
 - (iii) In the opinion of the Highway Authority the proposed access design is below the approved highway standard. Visibility splays to the approved standard are not included in the application.
- 1.5 The 2010 planning permission for Bed and Breakfast use accepted additional use of the alleyway for access/parking by guests. This decision is far more recent and indicates a change in the highway position.
- 1.6 The current application follows on from a recent approval in July 2018 for the renovation and extension of the building to create a single storey independent dwelling which will provide one bedroom, an open plan living area and bathroom, with a cycle store and a log store. The previous approval has effectively been made redundant as, after appointing a structural engineer, the applicant has been told that the building is not structurally sound and would not be capable of conversion; hence this new application for a rebuild.
- 1.7 The outbuilding in question is a traditionally designed single storey structure, weatherboarded above a brick plinth with a clay tiled roof, but it is in a very dilapidated condition, and attached to another run down building (itself recently approved for rebuilding as a garage).

2. PROPOSAL

- 2.1 The replacement building now proposed would have the same footprint as the 2018 approved conversion, and would effectively be for the same proposal, with only a number of small alterations such as the repositioning of the bathroom window, the omission of an external door, and the widening of the bike store as this would now be the main entrance. The property would be single storey with only one bedroom window and one bathroom window facing neighbours.
- 2.2 The application is supported by a Design and Access Statement which outlines the differences between the approved scheme and that now proposed as follows;

The new replacement dwelling application follows that previously approved with the following minor amendments to suit the new build nature of the application:

- 1. The proposed aligns with the existing building foot print, but is set out to suit the new topographical survey (as opposed to OS plan).*
- 2. The previous existing external door to the bathroom has been omitted (given the new build strategy) ensuring general access to the side elevation via the bike store only, thereby omitting access, noise etc. opposite the adjoining rear properties.*
- 3. The bathroom window has been slightly repositioned following the omission of the above external door.*
- 4. As the only entrance (following the above), the bike store has been widened slightly by 300mm to ease house access/egress and maintain bike storage.*

3. PLANNING CONSTRAINTS

Area of Outstanding Natural Beauty KENT DOWNS

Conservation Area Eastling

4. POLICY AND CONSIDERATIONS

The National Planning Policy Framework (NPPF) Paragraphs: 11, 193 and 196.

Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017

ST3 (Swale settlement strategy)

CP3 (Delivering a wide choice of high quality homes)

CP4 (Design)

DM14 (General development criteria)

DM32 (Listed buildings)

DM33 (Conservation areas)

Supplementary Planning Guidance (SPG): Conservation Areas and Listed Buildings

5. LOCAL REPRESENTATIONS

- 5.1 Two neighbour objections have been received and these are summarized as follows:

- Main objection is increased traffic on the narrow 2.2m wide shared alleyway where vehicles have already caused damage

- Our main back door opens directly onto this alleyway and is the sole means of access to our rear garden and our main access to The Street
- Poor visibility and highway safety issues at the junction of the alleyway with The Street which is a narrow but busy road, especially at commuter and school times
- Possible use of the new dwelling for short term letting increasing the risk of accidents by those unfamiliar with the area
- Possible additional parking on The Street and use of the alleyway arising from rental or lettings
- Use of the alleyway for construction traffic leading to inconvenience, congestion, damage to buildings, underground pipes and existing sewerage facilities
- Loss of privacy with plants only providing screening at certain times of year
- The applicant says that the development will improve the setting of Porch House but in reality it is far closer to The Old Post Office and The Nook which are also established parts of the village
- This is not brownfield land as it has been a garden containing mature trees, which have recently been removed
- There should be analysis of any toxic residue to be analysed before development is permitted
- Contrary to policies E1 and E6 which relate to development being well sited with safe access, and not harming the character of the countryside. NOTE: These are now superseded Local Plan policies and this site is within the village's built-up area boundary where policy E6 (and current policy ST3) accepts new housing in principle.

6. CONSULTATIONS

6.1 Eastling Parish Council objects to the proposal for the following reasons:

- Access to the site is very restricted and not suitable for lorries, diggers and heavy machinery concerned with the proposed building of the new dwelling.
- During recent work by the applicant to install a new septic tank, which required a significant amount of heavy machinery using the driveway, the external water pipe running down the driveway sprung a leak, resulting in water entering the neighbours' cellar.
- The proposed new building is more than 50% of the current outbuilding (a small barn that has never been a dwelling).
- Porch House is not the nearest house to the new development (maybe not visible from the building of Porch House), the much nearer properties are The Nook, Laburnum Cottage, The Old Post Office and no. 2 The Street. The amenities of these very close 4 houses will be affected.

6.2 The agent has responded to the Parish Council's comments with comments that are summarised as follows:

- Recent works at Porch House and a neighbouring property have clearly indicated that any deliveries of machinery and materials can be conveniently and unobtrusively achieved.
- Deliveries are most likely to be made during the working day and outside of busier school trips.
- An experienced and professional builder will be appointed to complete the project who will be expected to extend every courtesy, respect and privacy to the neighbours during construction.
- The owners of The Old Post Office Cottage have planning permission for the demolition and rebuild of their garage which will presumably require the same level of delivery access for machinery and materials.
- Porch House has in the past been used as a B&B with up to 6 cars at the rear of the property. Usage and access have been firmly established in this regard and continues to not present concerns to the highway authority.
- A water leak did arise during recent works and was corrected within a 24 hour period at no cost to the neighbour.
- The new building will not impact on the outlook or amenities of neighbours who will continue to enjoy the same view across the fields
- There is discrete off road parking provided behind the existing garage which would not cause neighbours any access or parking related issues.

6.3 Kent Highways and Transportation state that the development does not meet the criteria to warrant involvement from the Highway Authority. At the time of the previous application in 2018 they initially said the same, but in the light of local concern about the access arrangements proposed (the same as now), I wrote to Kent Highways querying their lack of substantive comments in the following way,

Thank you for your note dated 28 June on this application, referring to the protocol arrangement. Heather has been dealing with this case but she is now on leave and I am trying to come to a decision on the application.

The situation is a little unusual and I wonder if I can ask you to consider it further. Bear in mind also that the [Borough] Council refused planning permission for a very similar conversion in 1988 (based partly on KCC Highway advice). In 1988 KCC Highways objected and the relevant reason for refusal can be seen as reason (iii) on the attached decision notice [see paragraph 1.4 above]. The narrow access to the site has not changed in the meantime.

I have also attached for your convenience copies of current Parish Council and neighbour objections, which include highway concerns. I would be grateful if you could give these your closest consideration.

Can I ask you to take a careful look at this unusual and very restricted access situation to see if you have any concern about its increased use; or if you feel that its increased use is compatible with maintenance of highway safety? The alleyway currently serves at least three individual properties, and there is evidence of damage to walls and close shaves. Parking on the highway also makes visibility on exit very difficult. It does strike me that at 2.2m the alleyway is far narrower than you would normally wish to see for multiple use,

and that sightlines are across third party land and cannot be guaranteed.

Kent Highways' response, which I consider equally relevant to current application was as follows (with the relevant part **emboldened**);

Further to our conversation please note the attached pre-application comments from Alun. Please note that the posted road speed limit along The Street now stands at 30mph instead of 40mph, which I presume was backed by an appropriate speed survey.

*As explained previously these proposals fall outside our protocol to typically warrant Highway involvement but despite the substandard access arrangement with The Street it appears that we would have diminished grounds to object in this instance. **The proposals for a one bed dwelling do not represent a material increase in vehicular use over and beyond that legally permitted for the existing dwellings and the previously approved bed and breakfast uses associated with Porch House. The access itself has no proven crash record and offers a sufficient degree of inter-visibility.***

6.4 The Environmental Health Manager raises no objection to the scheme saying only

“There are a number of residential properties in the locality, in order to protect the residential amenity of these properties during the construction phase I would recommend a standard construction hours condition”.

7. BACKGROUND PAPERS AND PLANS

7.1 All plans and documents relating to 19/501799/FULL.

8. APPRAISAL

8.1 This application needs to be assessed as to whether the principle of a new house is acceptable here, and if so, whether the detailed design is acceptable in policy, heritage and conservation, highway and residential amenity terms.

8.2 I considered the principle of the conversion of this outbuilding to a residential property in 2018 and I note that it benefits in terms of location from being within the village boundary of Eastling, a tier 5 village as outlined in Policy ST3 of the adopted Local Plan which is an area where the principle of an additional dwelling is acceptable. This is a village with a church, a village hall, a public house and a primary school all within walking distance of the site. These benefits apply equally to the current proposal. In addition I note the site provides sufficient amenity space and off street parking provision.

8.3 In 1988 the Council did not have an adopted Local Plan indicating a defined built-up area boundary for Eastling. Accordingly, it was appropriate to see this site as perhaps lying outside the natural boundary of the village as a backland site that was not suitable for development. The newly adopted Local Plan is positive towards small scale housing development within the defined built-up area of towns and villages. This site is within such an area, and is now clearly an acceptable location for development in current Local Plan policy terms; a quite different policy context to that which existed over 30 years ago. The settlement pattern of Eastling is mainly linear, but Little Kings just to the north of Porch House introduces a property set back from The Street, providing an example of how this can work. The proposed bungalow will be small, meeting local

needs and reflecting the location of Little Kings. Therefore the location of the new dwelling is not unusual in the context of the area.

- 8.4 The application building is located some distance away from Porch House and lies within the extended curtilage of the listed building, but not within its historic curtilage. As such, its replacement with a building of similar style, form and dimensions is unlikely to have any significant impact on the setting of this listed building. From a heritage conservation viewpoint there is no objection to the proposed development proposal provided the design, finish and materials are in sympathy with other neighbouring buildings in the conservation area. I do not consider the scale of the development will have an adverse impact on the other listed properties in the immediate vicinity.
- 8.5 Whilst new development can enhance a conservation area, and conservation areas are not designated to prevent any new development taking place, it is necessary to ensure that where development does take place, it is sensitive to the special character of the area and that it is of a high standard of design. I consider that the architectural character of the proposed development is appropriate to this sensitive setting and is therefore acceptable. I would expect that the details of the materials to be used would also be appropriate and have included conditions to cover this.
- 8.6 The application building is located to the rear of existing properties on The Street, notably Laburnam Cottage and The Nook. Laburnam Cottage is set directly on The Street and as such there is adequate distance between the rear of the property and the proposed site for the dwelling. Established vegetation is also in place and whilst there may well be a view of the building, as there is currently, I do not consider it would result in a lack of privacy to either occupant.
- 8.7 The rear garden of the Nook is directly opposite the application property. I note, however, that a block wall, trellis and climbing plants have been planted/erected by the occupants to protect their privacy from the current level of activity here, and thus the view of this and the other buildings and activity to the rear are somewhat obscured. The proposed dwelling has been designed such that the main activity and living areas are to the rear, shielded from the existing houses. Additionally, the location of the bedroom and bathroom to the front, with only ground floor windows will not result in mutual overlooking or lack of privacy sufficient to warrant refusal of this application. This scheme is different from the 1988 refused scheme, but similar to the 2018 approved scheme in this regard.
- 8.8 I am conscious that were the building to be renovated it could be used for purposes ancillary to Porch House with a level of activity not dissimilar to that likely to be the case now. The Bed and Breakfast permission also accepted increased use of the alleyway and the introduction of further activity here, and I see little difference between the implications of that permission, and what is being proposed here now.
- 8.9 I note the concerns of neighbours and have given consideration to their comments. However, given the relative compact size of the one bedroom property, and the provision of off street parking and amenity space I do not consider it would be likely to result in a level of disturbance sufficient to justify refusal of planning permission.
- 8.10 I have further considered comments made by neighbours in relation to potential damage to the pathway, drains and buildings from construction, but any such damage would be a private legal matter should such damage occur during construction or anytime after. Nor do I find it reasonable to refuse planning permission on the basis that more danger or damage might arise from vehicles controlled by those unfamiliar with the constraints of the alleyway,

- 8.11 The access onto The Street does need to be taken with care and I appreciate that the on street parking here does not aid this. However, one must expect drivers to operate within the conditions. The entrance onto The Street has limited visibility, mainly due to parked cars. Last year I specifically asked Kent Highways to reconsider their initial “non-protocol” response. Having done so, they did not raise objection to that application and circumstances are unchanged now. The alleyway is already in multiple uses, and occupants of The Old Post Office will be well aware of this. The level of additional movements now envisaged will be small, and I don’t think warrants refusal of the application. At The Street, vision is available across neighbours’ gardens, and whilst these sightlines are outside the control of the applicant, it is not likely that neighbours will block these – if only for their own safety.
- 8.12 I note the objection and comments from the Parish Council, but would suggest that the vehicles used during the construction would need to be suitable to enter and exit the site and as such this would be for the applicant/builder to negotiate and arrange. With the recent comments from Kent Highways in mind, I see no reasonable prospect of defending a refusal of planning permission on highway safety grounds.
- 8.13 On balance and with the attached conditions I consider the proposal to be acceptable and recommend that planning permission is granted.

9. 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 the following approved drawings and details: 163/PA/007, 163/PA/008, 163/PA/009, 163/PA/010, 163/PA/011, 163/PA/014, 163/PC/1, 163/PC/2, 163/PC/3, 163/PC/4 and GGL/GPL Conservation Roof Window Specification.

Reason: In the interests of proper planning and for the avoidance of doubt.

- (3) No development beyond the construction of foundations shall take place until details in the form of samples of external finishing materials to be used in the construction of the development hereby approved 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 visual amenity

- (4) 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.

- (5) The two areas shown by dotted lines within the application site on approved drawing 163/PA/007 shall be made available as car parking spaces at all times that the dwelling is in use as such, and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling hereby permitted.

Reason: Development without adequate provision for the parking of cars is likely to lead to car parking inconvenient to other road users.

- (6) Upon completion, no further development permitted by Classes A, 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), shall be carried out.

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

- (7) All rainwater goods to be used as part of the development hereby permitted shall be of cast iron unless otherwise agreed in writing by the Local Planning Authority.

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

- (8) No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first use of any dwelling.

Reason: In the interest of promoting energy efficiency and sustainable development.

- (9) The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwelling shall not be occupied unless the notice for the dwellings of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019, 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.

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.



19/501799/FULL - Porch House, The Street, Eastling, Faversham, Kent. ME13 0AY
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