

2.3 REFERENCE NO - 21/503797/FULL		
APPLICATION PROPOSAL Alterations to rear lean-to and erection of a new artist's studio building.		
ADDRESS Orchard Poultry Farm Butlers Hill Dargate Kent ME13 9HG		
RECOMMENDATION - Grant		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection		
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Hernhill	APPLICANT D. Lawson & R. Thompson AGENT Miriam Layton Architectural Design
DECISION DUE DATE 18/10/2021	PUBLICITY EXPIRY DATE 27/09/21	

1. DESCRIPTION OF SITE

- 1.1 Orchard Poultry Farm is a traditionally designed two storey semi detached dwelling on a large plot located outside any Local Plan defined built up area boundary, but within the Dargate conservation area. To the south of the pair of cottages (separated by the adjacent private garden and a private lane) is the grade II listed building known as Elm Tree Cottage, which dates from early C19 and is one of the key features and notable visual delights of the conservation area. There is however little visibility between the application property and this important listed building due to significant hedge and tree planting to the southern boundary of the adjoining semi-detached house. Opposite the application property lies the semi-detached cottages known as Lillie's Place and to the north (at a distance of some 65m) is Yew Tree Cottage, none of which are listed buildings
- 1.2 The application property lies off Butler's Hill which is a designated rural lane with its informal green edge treatment contributing positively to the character of Dargate conservation area and the local countryside character more widely. The property has a small outbuilding shown as a 'barn' to the rear; this is about the size of a typical domestic garage. The existing barn within the application site is modest, well detailed and traditional in form and very much complements the associated traditional brick house, and the wider conservation area street scene.
- 1.3 The adopted summary character appraisal for Dargate Conservation Area from 1999 concludes that *Dargate is a modest and unassuming place. This modest, but fragile, character accounts in large part for the charm and identity of the hamlet. Key features are (a) the scattered and open form of development, with generous spaces around the individual buildings; (b) the rural simplicity of the buildings, as exemplified by Elm Tree and Meadow Cottages; (c) the presence of agricultural land within the hamlet, especially orchards; and (d) the limited range of traditional building materials which are present and which provides continuity in building character.*

2. PROPOSAL

- 2.1 This application seeks planning permission for minor alterations to the rear lean-to on the cottage, and for the erection of a detached artists' studio building within the garden to the rear of the cottage on an existing hardstanding area that was formerly occupied by outbuildings.
- 2.2 The alterations to the lean-to consist of insertion of two conservation rooflights and the insertion of double glazed metal doors in white.
- 2.3 The proposed studio building would be a simple rectangular form with a low pitched roof with a central ridgeline, measuring approximately 6.7m wide by 10.6m depth, with an overall height 4m to the ridgeline. This is slightly less in plan area than the existing hardstanding area. The building would feature black weatherboarding under a slate roof, with black framed double glazed doors and outer timber sliding doors on the front and rear elevations; whilst on the north and south elevations are three windows. There would be four conservation rooflights on the south facing roofslope and three on the north side, plus a small black flue to serve a wood burning stove projecting from the northern roof slope.
- 2.4 The proposed studio would be sited to the east of the dwelling and is 1m off the boundary with the attached cottage known as Sunnyside.
- 2.5 The application was originally supported by a Design and Access Statement, but this has since been supplemented by an extensive Heritage Statement which was submitted after initial local consultations. This states that the proposal will preserve the character of the existing building, the street scene, the conservation area and the grade II listed property Elm Tree Cottage, in accordance with the Swale Local Plan and Development Guidance, because:
- The proposed new studio building sits on the site of a number of outbuildings which previously existed to the rear of the dwelling. The scale, massing and design are in keeping with the original buildings and the outbuildings and agricultural buildings in the area. The studio building will not adversely affect the amenity of the neighbouring property or the appearance of the existing building, the grade II listed Elm Tree Cottage or the Conservation Area as a whole.
 - The proposed alterations to the dwelling are minor, but will greatly improve the amount of light in the North-facing kitchen space and its connection to the garden. They do not adversely affect the appearance of the building or the Conservation Area as a whole.
- 2.6 The applicants have also submitted the following statement;
- 'Debbie Lawson and Roddy Thomson are not 'commercial artists'. They are both employed in other work, and are not full-time artists.'*

3. PLANNING CONSTRAINTS

- 3.1 Conservation Area Dargate

4. POLICY AND CONSIDERATIONS

4.1 Bearing Fruits 2031: The Swale Borough Local Plan 2017 policies:

- CP4 (Design)
- DM14 (General development criteria)
- DM16 (Alterations and extensions)
- DM33 (Development affecting a conservation area)

5. LOCAL REPRESENTATIONS

5.1 The neighbour to the north has objected to the application with photographs of the likely impact of the studio, saying;

'I am unhappy about being in disagreement with new neighbours, but I must object to their proposed development on the following grounds.

- 1) The outbuilding referred to in their proposal was a dilapidated wooden greenhouse and potting shed. No part of that structure was taller than 2.5m. Their proposed building is 4m plus a chimney.*
- 2) The new barn was erected by the previous owners with my approval. An agreed condition was that its floor area would no greater than the old buildings and that they would be demolished on completion of the barn. Both terms were meet to our mutual satisfaction.*
- 3) The proposed building is situated at the end of my garden and is of a size which dominates the view. The external dimensions of the dwelling itself (including the porch) gives an external floor area of approximately 62sq.m. The approximate external floor area of the proposed building is over 70sq.m.*
- 4) The height and width of the proposed building obliterates the view from my garden of the trees and shrubs.*

5.2 The immediate (attached) neighbour supports the application, saying:

The studio will use the footprint of earlier buildings and is of a sympathetic design which will have no detrimental effect on the site or the Conservation Area.

6. CONSULTATIONS

6.1 Hernhill Parish Council originally commented:

'The Parish Council voted to opposed the application in grounds of its size being so much larger that the accompanying residential building. If the LPA deem to approve the application, the it is suggested that there is a condition that the building is not to be used for commercial use.'

After additional information was submitted, the Parish Council stated:

'Following a previous objection by the Parish Council to the application on grounds of its size at the council meeting of the 28th July 2021, the Parish Council have revisited

the application in light of additional information from the applicant. With the Chair having a casting vote, the Parish Council have voted to oppose the application. The proposed development is considered too large to that of the existing residential property and that the building would be used in a commercial capacity with the owners as commercial artists. It was also considered that the design of the proposed building was not in keeping with the surrounding buildings.'

7. BACKGROUND PAPERS AND PLANS

- 7.1 Application papers for application 21/503797/FULL.

8. APPRAISAL

- 8.1 The main considerations in determination of this application are the impact of the development upon the character and appearance of the area, and upon the amenities of the neighbours.
- 8.2 The alterations to the lean-to are minor and are in my view acceptable and would not give rise to any overlooking or loss privacy to neighbouring amenities, as these alterations on the rear and not visible from any public vantage points. It is also possible that these works could be carried out under Permitted Development rights.
- 8.3 The proposed studio building is sited behind the existing dwelling and is to the east, with a fence and some landscaping on the boundary with Sunnyside. There is an existing hardstanding base where the studio is to be sited. This was the site of former outbuildings and the new studio will cover a smaller area. The height of the building is of an appropriate scale and therefore sits well within the setting. The property sits within a large plot and the proposed studio would not detract from Orchard Poultry Farm or the adjoining property Sunnyside.
- 8.4 I agree with the conclusion set out in the Heritage Statement which is essentially that the erection of the proposed building would not have an adverse impact on the character and appearance of the conservation area at this location, nor on the setting of the nearby grade II listed building, Elm Tree Cottage. This outbuilding has been sympathetically designed to complement the rural character of the area, and I believe the proposal will sit comfortably with the host property.
- 8.5 I believe that the proposed building will not unduly overshadow the neighbour and that doors, windows and rooflights will not create any potential overlooking or loss of privacy issues as they either face a fence or into the applicants' garden.
- 8.6 I note, the Parish Council comments regarding the possibility of the studio being used commercially but it has been confirmed that the studio is for personal use only. I have recommended a suitable planning condition to control the use.

9. CONCLUSION

- 9.1 Having taken all the above into account, I consider the proposal to be well designed and of an appropriate scale, and I do not consider that they will have any significant impact on the Conservation Area and the nearby grade II listed building.

10. RECOMMENDATION - Approve 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 approved shall be carried out in accordance with the approved drawings P05 Revision A, P06 Revision A, P07 Revision B, P08 Revision A, P09 Revision C and P10 Revision C.

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) Prior to their installation details/specification of the specific model and size of the conservation rooflights and new windows and glazed doors to be used on the studio building shall be submitted and agreed in writing by the Local Planning Authority. Works shall proceed in accordance with the approved details.

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

- (4) Prior to commencement of relevant works details and/or samples of the specific slates, plinth bricks and clay ridge tiles to be used in the construction of the studio building to be submitted and agreed in writing by the Local Planning Authority. Works shall proceed in accordance with the approved details.

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

- (5) Unless otherwise previously agreed in writing with the LPA, the verge detailing to the building shall be of a traditional bedded verge design, whilst the eaves design shall be of a traditional open verge, utilising a timber fascia panel stained black to match the weatherboarding.

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

- (6) The studio building hereby permitted shall be used only for private purposes and not for, or as part of, any trade or business.

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

The Council's approach to the 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.

