

PLANNING COMMITTEE – 11 NOVEMBER 2021**PART 3**

Report of the Head of Planning

PART 3Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 21/501435/FULL			
APPLICATION PROPOSAL			
Erection of a two-storey side extension and a single storey rear extension to create a bedroom, bathroom, hydrotherapy pool, therapy room and carer accommodation for a disabled persons use. Raising of the roof of the original outbuilding and part conversion of the integral garage to a pantry (following the demolition of the existing rear conservatory)			
ADDRESS Boarers Farm Elm Lane Minster-on-sea Sheerness Kent ME12 3RY			
RECOMMENDATION Refusal			
SUMMARY OF REASONS FOR REFUSAL			
The proposal results in a dwelling of significant scale and mass, with a floorspace increase of 190% when compared to the original dwelling. This would be contrary to Policies CP4, DM14 and DM11 of the adopted local plan which only permits modest extensions to dwellings in the countryside. It would also conflict with supporting guidance in the Council's SPG which does not support extensions to a dwelling in a rural area if it results in an increase of more than 60%. While the Council recognises the personal circumstances of the applicant, these do not override the planning harm.			
REASON FOR REFERRAL TO COMMITTEE			
Parish Council Support			
WARD Sheppey Central	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Boyes Turner LLP AGENT Steven Docker Associates	
DECISION DUE DATE 09/06/21		PUBLICITY EXPIRY DATE 21/10/21	
RELEVANT PLANNING HISTORY			
Ref No.	Description	Decision Date	Decision
SW/12/0099	Single storey extension joining the existing house to the existing outbuilding creating door to property	20.03.2012	Approved
SW/96/1027	First floor rear extension	14.11.1996	Approved
SW/87/1307	Change of use of derelict cow shed to Kentish crafts and bygones workshop shop	17.10.1987	Refused

1. DESCRIPTION OF SITE

- 1.1 Boarers Farm, is located on the south side of Elm Lane. The site is broadly rectangular in shape and measures approximately 47m east to west, and 29m north to south. The site has a total area of approximately 1363m². Elm Lane is a country lane with no footpaths.
- 1.2 The main dwelling is sited close to the northern boundary fronting Elm Lane. It comprises of a two-storey farmhouse of brick construction which is attached to a former outbuilding (originally a cow shed) to the eastern side by way of a single storey link extension (Ref: SW/12/0099 dated 20.03.2012). To the rear, there is a glass conservatory. Existing site access is taken from Elm Lane towards the eastern side boundary of the dwelling. A single storey, small, double fronted garage is positioned towards the far southwestern corner. The curtilage has a domesticated appearance comprising of a pond, hard surfaced area for parking, lawn and mature shrubbery.
- 1.3 To the north, across Elm Lane, there are two stables and riding areas associated with equestrian use. Further north, lies the residential and built-up boundary area of Minster. The site and surrounding area is however within the countryside.

2. PROPOSAL

- 2.1 This application seeks planning permission for the erection of a two-storey side extension and a single storey rear extension to create a bedroom, bathroom, hydrotherapy pool, therapy room and carer accommodation for a disabled persons use. The works also involve raising the roof of the original outbuilding and part conversion of the integral garage to a pantry.
- 2.2 A two-storey side extension is proposed to the eastern side of the original farm house. It would be set close to the boundary with Elm Lane incorporating a set back from the main dwelling of 0.65m at both ground and first floor level. The two-storey extension would extend by 5.3m in width toward the eastern side boundary and 6.24m to the rear. A bedroom is proposed on the ground floor and a bedsit for a carer is proposed on the first floor. The two-storey extension would be in cladding and brickwork with a hipped roof to match existing. The new floor area of the two storey extensions provides 66.5m² of additional habitable floor space.
- 2.3 The application also proposes an L shaped single storey rear extension which would accommodate a Hydro-Therapy pool, specially equipped bathroom and therapy room. This measures up to 14.8m in length and up to 16.5m in width. It is designed with a flat roof with parapet surround with a height of 3.4m. The pool room, bathroom, therapy room and entrance provides a floor area of 128.3m².
- 2.4 The footprint of both the existing link extension (Ref: SW/12/0099) and attached outbuilding remains unchanged. However, it is intended to raise the height of the walls and roof by 0.6m to facilitate internal level access.
- 2.5 The proposal is to accommodate the long-term needs of the applicant's daughter who has severe physical and cognitive disabilities. The application includes supporting evidence of the range of her needs and an occupational therapy housing assessment

relating to the suitability of Boarers Farm, and the improvements and extensions necessary to adapt the property accordingly, and meet her long-term care needs.

- 2.6 Following discussions, proposals to extend the detached garage have now been removed from the scheme.

3. PLANNING CONSTRAINTS

- 3.1 Potential Archaeological Importance

- 3.2 Outside of any built confines

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) 2021 and the National Planning Practice Guidance (NPPG) are relevant in that they generally encourage good design and seek to minimise serious amenity concerns.

- 4.2 Bearing Fruits 2031: The Swale Borough Local Plan 2017 policies: ST 3 (The Swale settlement strategy); CP 4 (Requiring good design); DM 11 (Extensions to dwellings in the rural area); DM 14 (General development criteria); DM 16 (Alterations and extensions)

- 4.3 Supplementary Planning Documents: Designing an Extension – ‘A Guide for Householders’

5. LOCAL REPRESENTATIONS

- 5.1 Minster Parish Council – Support the application (07.05.2021)

6. CONSULTATIONS

- 6.1 KCC Archaeologist – No objection (19.04.2021)

- 6.2 KCC Highways and Transportation – Does not warrant involvement from the Highway Authority

- 6.3 Environmental Health Team – No objection, subject to conditions (04.06.2021)

7. BACKGROUND PAPERS AND PLANS

- 7.1 Site location plan, D&PM 4005-01, D&PM 4005-02, D&PM 4005-03, D&PM 4005-05

- 7.2 D&PM 4005-05 Rev B Proposed site plan, D&PM 4005-06 Rev B Proposed Ground Floor Layout Plan, D&PM 4005-07 Proposed First Floor Layout Plan, D&PM 4005-08 Rev B Proposed Front and Rear Elevations, D&PM 4005-09 Proposed Side Elevations D&PM

8. APPRAISAL

Principle of Development

- 8.1 The application site lies outside of the defined built-up area boundary within the designated countryside where policies of rural restraint apply. Policy DM11 of the Local

Plan states that extensions to dwellings in the countryside will be permitted (taking into account any previous additions undertaken) where they are of appropriate scale, mass, and appearance in relation to the location.

- 8.2 This policy is supported by the Council's Supplementary Planning Guidance: Designing an Extension – 'A Guide for Householders'. This stipulates that, *'In the countryside, scale is of particular importance. In rural areas, policies are designed to maintain their attractive character and the extension of a small cottage to create a large house will normally be resisted. The Council will not normally approve any extension to a dwelling in a rural area if it results in an increase of more than 60% of the property's original floorspace.'*
- 8.3 In this case, I have calculated that the original dwelling had a floor area of 127.5m². The outbuilding did not form part of the original dwelling and is not included in the above calculation – although as it appears to have been built prior to 1948 I have not treated it as an extension either. The proposed extensions (excluding the converted outbuilding) would add a further 195m² of floor space. The existing link extension between the dwelling and former outbuilding has a floor area of 22.4m², and it would appear that an earlier extension added a further 25 sqm to the property. When taking into account previous extensions, the proposal would result in a new floor area of 370m² (excluding the converted outbuilding) which equates to an increase above the original property of some 190%. This is significantly above the 60% maximum increase recommended in the Council's SPG for rural extensions, and cumulatively would result in a significant increase in the size and scale of the dwelling, and could not be considered as modest under the terms of Policy DM11.

Impact upon character and appearance

- 8.4 Policy DM 11 Extensions to, and replacement of dwellings in the rural area states *'the Council will permit extensions (taking into account any previous additions undertaken) to existing dwellings in the rural areas where they are of an appropriate scale, mass and appearance in relation to the location'*.
- 8.5 The site is isolated from other built form and on a narrow country lane, surrounded by countryside. The character of the area is clearly rural. The existing dwelling is sited close to the road edge and the proposed two storey side extension would add substantially to the existing scale of the dwelling. The proposed single storey rear extensions are substantial in footprint and again add considerably to the scale of the dwelling, resulting in a large sprawling building. The proposed raised roof to the former outbuilding adds further to the overall scale, although in isolation I do not consider this aspect to be harmful. Nonetheless, I consider the scale and sprawling nature of the proposal adds substantial built form to the dwelling to the detriment of the rural character and appearance of the area.
- 8.6 Overall, it is my view that the proposed alterations to the existing dwelling by reason of their resultant imposing scale and bulk, and location outside of the defined built-up area boundary, would constitute an unsympathetic and harmful addition that would fail to appear subservient to the original property to the detriment of the intrinsic amenity value of the countryside.

Residential Amenity

- 8.7 Policy DM14 (8) of the Local Plan (2017) adopted, states that development should, '*cause no harm to amenity and other sensitive uses or areas*'.
- 8.8 The property is a detached property and has no immediate neighbours. The closest residential property is located at a distance of 122m to the north which is a sufficient separation. Overall, I have no concerns regarding loss of light or overshadowing, overlooking or sense of enclosure.
- 8.9 The Council's Environmental Health Department have raised no objection to the proposal subject to the implementation of conditions to protect amenity and therefore I raise no concerns in this respect.

Highways

- 8.10 Policy DM14 of the local plan requires all development proposals to achieve safe vehicular access. In this regard, Elm Lane is an unclassified single carriageway and no changes are proposed to the existing vehicle crossover arrangement. An automated entrance gate is proposed, however this would be set 1.9m further back than the position of the existing gate. In addition, a distance of 6.5m would be retained between the gate and the highway which provides a sufficient waiting space for vehicles without causing obstruction to the highway.
- 8.11 Turning to parking, the Council's Parking Standards 2020 states that a dwelling with 4 bedrooms has a requirement of 3+ accessible spaces per dwelling with the requirement of one additional space for the annexe, with a minimum size requirement of 2.5m x 5m per bay. Given the site layout, it is reasonable to conclude that sufficient parking can be accommodated consistent with the aims of the Parking Standards.

Material Considerations

- 8.12 This application has been made to support the applicant's daughter who has a range of complex needs. The Council understands the clear needs of the applicant to find such accommodation and to provide a long-term home for their daughter. The extensions are clearly designed to provide purpose-built accommodation to meet these needs.
- 8.13 Members will be aware that planning law requires that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the development is clearly in conflict with Policy DM11 of the adopted local plan. The question then arises as to how much weight can be given to the personal circumstances of the applicant as a material consideration.
- 8.14 In this respect, Members will be aware that planning permission runs with the land. Whilst exceptionally personal circumstances may be afforded weight, this is seldom justified for development that will remain long after the personal circumstances of the applicant have changed. Permanent built form, such as the extensions proposed, is therefore seldom justified by personal circumstances. Whilst I am very sympathetic to the personal needs and circumstances of the applicant, I do not consider that this outweighs the very clear conflict with the development plan.

8.15 My officers have discussed this with the applicant and requested amendments to reduce the scale of the development. The applicant has not been able to do this (other than to remove a proposal for a larger detached garage) as they require all the floorspace sought. Whilst I understand why they are unable to reduce the scale of the accommodation, this has to be balanced against the choice to purchase and extend a dwelling in the countryside, where planning policies clearly restrict development.

9. CONCLUSION

9.1 Taking the above factors into account, I would conclude that the proposal is clearly in conflict with the development plan, and that the personal circumstances do not outweigh this conflict and harm identified.

10. RECOMMENDATION

REFUSE for the following reasons:

- 1) The site is located within the countryside where policies of restraint generally apply. The proposed extensions, taken together with previous extensions to the existing dwelling, would result in a development of significant scale, mass and appearance, that would fail to appear subservient to the original property and would be harmful to the intrinsic amenity value and character of the countryside. As such, the development is contrary to policies CP4, DM11 and DM14 of Bearing Fruits 2031 - The Swale Borough Local Plan (2017), and the Council's Supplementary Planning Guidance (SPG) 'Designing an Extension'.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 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.

