

REFERENCE NO - 16/503740/FULL			
APPLICATION PROPOSAL Alterations to existing elevations of existing residential dwellings, including new windows and new entrance door positions on south-east elevation & new glazed doors to north-west elevation. New rooflights & flues.			
ADDRESS Black Barn Farm Crockham Lane Hernhill Kent ME13 9LB			
RECOMMENDATION Approve			
REASON FOR REFERRAL TO COMMITTEE Parish Council objection			
WARD Boughton & Courtenay	PARISH/TOWN COUNCIL Hernhill	APPLICANT Mount Ephraim Farms AGENT Miriam Layton Architectural Design	
DECISION DUE DATE 28/07/16	PUBLICITY EXPIRY DATE 02/06/16		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
15/505477/PNQCLA	Prior notification for the change of use of existing barn into 3 dwellings	Prior Approval Not Required	September 2015
15/509140/FULL	Alterations to existing elevations of existing residential dwellings, numbers 1-3 Black Barns Farm. New front doors to front elevation and new sliding/folding glazed doors to rear elevation. Addition of new rooflights and new flues to roof.	Refused	January 2016

1.0 DESCRIPTION OF SITE

- 1.01 Black Barn Farm is a former agricultural barn that was subject to a prior approval application in September 2015 for change of use to dwellinghouses under Class Q of Part 3 of the 2015 General Permitted Development Order. It is located on a sharp bend on a narrow lane outside of any built up area boundary. This prior approval application established the principle of three bays of this four bay building being converted to three houses with gardens and parking to the rear. However, as provided for by the regulations, no details of any related alterations to the building were submitted at that time. Initial proposals for external alterations were refused in January under delegated powers and the current application is for a revised scheme.
- 1.02 The reason for refusal of the initial external proposals reflected the fact that the approved curtilage of the barn houses did not include anywhere to park at the front of the barn, and stated;

“The proposed new doors to the front elevation would encourage parking outside the approved curtilage and close to a blind bend, which would create a significant safety issue and would be contrary to saved policies E1, E19 and T1 of the Swale Borough Local Plan 2008. The proposed roof lights and extensive rear glazing, would be harmful to the character and appearance of such a building and in turn, the rural character of the surrounding area, contrary to saved policies E1, E6, E19 and E24 of the Swale Borough Local Plan 2008.”

- 1.03 This application attempts to address and overcome those concerns with far fewer rooflights and revised fenestration. It is also accompanied by an explanation of the parking issues.
- 1.04 There is currently a separate planning application for a parking area adjacent to the approved rear garden areas of the barn (application ref; 16/503424/FULL).

2.0 PROPOSAL

- 2.01 The application seeks planning permission for three new front doors to the front elevation (roadside), new sliding/folding glazed doors to rear elevation, new roof lights and new flues to roof. The application is accompanied by a Design and Access Statement which addresses highway and design matters, and from which I draw the following points;

- The only single point of access to all three bays of the barn is currently to the front, and this was shown as an entrance to the building on the prior approval application.
- The provision of three separate doors to the barn will restrict available space to park in front of the barn.
- Existing nearby residents already park in front of the barn and will be displaced.
- Any additional parking to the front will be more than off-set by the provision of a new parking area to the rear of the barn.
- The proposed fenestration is akin to that seen on many traditional farm buildings and on barn conversions.
- The existing barn windows are a later addition and are rather domestic in appearance.
- The proposed rooflights will not be prominent as they will be set back from the elevations, and the adjacent buildings already feature rooflights.

3.0 PLANNING CONSTRAINTS

Designated Countryside

4.0 POLICY AND OTHER CONSIDERATIONS

Development Plan – The Swale Borough local Plan 2008
Policies:

E1 (General Development Criteria)
E6 (Countryside)
E19 (Achieving High Quality Design and Distinctiveness)
E24 (Alterations and Extensions)
T1 (Providing Safe Access to New Development).

Supplementary Planning Guidance:
‘The Conservation of Traditional Farm Buildings’

5.0 LOCAL REPRESENTATIONS

Two letters of objection were received from local residents. Their comments can be summarized as follows:

- The doors on this elevation will encourage car parking and deliveries on a regular basis, creating a safety hazard
- Lack of privacy from proposed windows facing into the adjacent garden
- The proposed windows on barn one, especially the first floor window, would look directly into a neighbouring bathroom
- The privacy of the neighbours annexe (already received planning permission) would be affected by the proposed windows
- Wood burning flues are likely to result in pollution at particular times of year, and will be an eyesore.
- Concerns about the water supply as currently the water supply is private

6.0 CONSULTATIONS

6.01 Hernhill Parish Council has made the following comments:

"The Parish Council recorded an objection to the application with the following comments:

1. The proposed plans show windows to the side of plot 1 which would overlook the drive, garden, shower room and un-developed barn (which has planning permission) of the neighbouring property of Crockham Farm Cottage, which would give a significant and unacceptable loss of privacy.

2. Prior planning application 15/509140/FULL was refused with reasons for refusal including the fact that the new doors to the front elevation would encourage parking outside the approved curtilage and close to a blind bend, which would create a significant safety issue. This new application still shows doors facing on to Crockham Lane and has not addressed the highways safety issue raised in the refusal of the previous application.

3. The proposed application shows a flue for each property. The quantity of flues and the generation of subsequent smoke could be harmful and unpleasant for the neighbouring properties, should the wind be blowing the smoke across the neighbouring residential dwellings.

4. The proposed application shows bedrooms which do not have windows that can be looked out of at floor level. The high level rooflights are the only source of natural daylight and ventilation for the bedrooms and the Parish Council consider that this would offer a poor outlook for occupiers along with consideration that the level of natural sunlight would be severely reduced during the winter months due to the lower arc of the sun's path.

5. The Parish Council would prefer to see an application for just two larger dwellings at the proposed site, rather than the current proposal for 3 smaller ones. The dimensions of larger properties would enable two doors for each property to be made available on the NW side of the site, which could eliminate the requirement for any doors/access on the SE side of the site (Crockham Lane) thus eliminating the highway safety concerns as mentioned above in item 2.

6. If the Parish Councils objection is contrary to that of Swale Borough Council, then the Parish Council would like to request that this application be discussed at Swale Borough Council Planning Committee at a future date.

6.02 The agent has responded to some local objections and to each of the Parish Council's concerns as follows (in summary);

1. The existing side windows are at high level and the prior approval process has already established the acceptance of these windows.
2. Kent Highways have confirmed that the prior approval process established the acceptance of the existing building entrance onto Crockham Lane.
3. The flues are designed and positioned in such a way that they will not affect neighbouring dwellings. The nearest flue is 2m above and over 20m away from the nearest windows.
4. The provision of light and ventilation is in accordance with Building Regulations and will give more light than vertical glazing.
5. The prior approval process has already established the conversion to three dwellings.

7.0 BACKGROUND PAPERS AND PLANS

All documents and plans relating to 16/503740/FULL

8.0 APPRAISAL

8.01 Black Barn Farm was given prior approval for the change of use to three dwellinghouses in September 2015. A number of objections from neighbours and the Parish Council have been made with regards to safety on the narrow lane with a sharp blind bend. The objections have also mentioned water supply to the dwellings however this is not material to the consideration of this application as the principle of residential use is already approved.

8.02 The prior approval process related to the principle of residential use of the barn has resulted in a number of normal planning matter being by-passed. The regulations do not include any safeguards over privacy from existing windows in barns in accepting their residential use. Nor does it require that the internal planning of the proposed accommodation come under scrutiny. The Council's powers are limited to considering highway, noise, contamination, flooding risks and whether the location of the building makes it undesirable or impractical for residential use (on very limited grounds); and to the approval (as is now the case here) of proposed external changes. To that extent, I consider that the Parish Council's reasonable concerns over loss of privacy from existing side windows, and in relation to lack of outlook from bedrooms lit only by rooflights are not matters that the Council has any real control over.

8.03 I have concentrated on matters that the Council can be concerned with. The previous refusal related to two issues, highway safety and design, which I will discuss below.

Highway safety

8.04 Previously, I was concerned that by creating three new pedestrian doors on the front elevation of the building close to the blind bend around the building, this would encourage car parking close to the bend in a dangerous location. I have since come to the conclusion that because all current access to (and past use of) the barn is via the sole front door, the unsatisfactory prior approval process (which did not require any details of proposed access arrangements), allied to the peculiar internal

arrangement of the building with the sole central access leading internally to all three bays, effectively accepted that access for the three dwellings could be taken from the front of the building anyway. Accordingly, I cannot see a sustainable argument against the new doors in highway safety terms as they would not in reality be likely to make any difference to the likely amount of car parking here. It might also be noted that the approved curtilages do not allow room to park a car here within the curtilage and that any such parking might be considered a change of use of the land in any case, albeit its current use is unclear.

Design

- 8.05 I am pleased to say that the revised rooflight and fenestration details are far more restrained than before. Rooflights have been significantly reduced in number and the new rear glazing has been reduced in extent, appearing more suitable to the agricultural nature of the building.
- 8.06 I note that there is local concern about the relationship between proposed windows and the immediate neighbours' bathroom window. Members will be aware that the Council seeks to achieve minimum separation distances between windows of habitable rooms. However, this has never been applied to distances to bathroom windows and these are conventionally obscure glazed for privacy reasons. Accordingly, I cannot advise that this matter represents reason to refuse this application.
- 8.07 Members might wish to note that the three flues proposed are in keeping with an agricultural building and set well to the rear of the barn away from the neighbours. Members should also note that as these dwellings are to be converted under the prior approval procedure they will not attract normal householder Permitted Development rights for further alterations and extension.

9.0 CONCLUSION

- 9.01 This application follows the permission in principle for use of this building as three dwellings. The current application is simply for proposed external alterations, and follows refusal of a more invasive scheme. Despite local concerns over the manner of conversion, I consider that many of these concerns arise from the rather loose prior approval procedure and cannot be tackled now. , nevertheless I am satisfied that the details now being considered are acceptable and I therefore recommend approval accordingly.

10.0 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 new windows and doors to be inserted in the building shall be in timber.

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

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:

- 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.