

REPORT SUMMARY

REFERENCE NO - 15/510023/FULL			
APPLICATION PROPOSAL Change of use to garden land and erection of outbuilding incidental to dwelling house			
ADDRESS Caledonia Workhouse Lane East Farleigh Kent ME15 0QB			
RECOMMENDATION – Approval			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is considered to comply with the policies of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning consent.			
REASON FOR REFERRAL TO COMMITTEE Requested by East Farleigh Parish Council that the application is reported to planning committee in the event of an officer recommendation for approval.			
WARD Coxheath And Hunton Ward	PARISH/TOWN COUNCIL East Farleigh	APPLICANT Mr Martin Wokes AGENT	
DECISION DUE DATE 22/01/16	PUBLICITY EXPIRY DATE 22/03/16	OFFICER SITE VISIT DATE 15/12/2015	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
15/505699/LAWP RO	An application for a certificate of lawful development for a proposed development being erection of outbuilding incidental to dwelling house – Refused – Appeal in Process (15/500202/REF)	Refused	29/09/15
Summarise Reasons <ul style="list-style-type: none"> The land on which the proposed building is to be sited is not considered to have a lawful use as part of the curtilage of the dwellinghouse. The proposed outbuilding would constitute a lavish leisure complex, which, due to its overall size and the number of facilities proposed would be excessive and would exceed what can reasonably be considered as incidental to the enjoyment of the dwellinghouse. 			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The proposal site comprises a detached residential property with a detached garage/store situated along Workhouse Lane in the parish of East Farleigh. To the front of the dwelling is a driveway with parking provision for 3-4 parking spaces, and stairs which lead down to the dwelling which is set below the ground level along Workhouse Lane.

- 1.2 The site is located within the countryside and does not affect the setting or a listed building or conservation area. The road is characterised by detached dwellings of varying scale and designs fronting onto Workhouse Lane.
- 1.3 Apparent from my site visit the area where the proposed outbuilding will be situated has been cleared of any trees/large shrubbery. The land level steeply rises to the west and south of the site of the proposed outbuilding. To the east of the proposed outbuilding is an existing small domestic pond.
- 1.4 There is a public footpath (KM42) to the west of the site in close proximity to the boundary of the red outline as shown on the site location plan.

2.0 PROPOSAL

- 2.1 The proposal is for the erection of an outbuilding in the land to the rear of the dwelling 'Caledonia'. There is no separate access to the proposed outbuilding.
- 2.2 The proposed outbuilding would provide a snooker area, tv/games area, bar with seating area, gym, bathroom & sauna in connection with the residential dwelling of 'Caledonia'.
- 2.3 The proposed outbuilding would be almost 'L' shaped and would have a maximum length of 13.1m and width of 13.1m, the proposal would have a pitched roof with an eaves height of 2.6m and maximum height of 3.95m. The building would have an external area of approximately 129m². The proposal would be a timber clad single storey structure with a tiled roof.
- 2.4 The proposal is also seeks permission for the change of use of this land into garden land as part of Caledonia.

Background Information

- 2.5 The original plans submitted showed a larger outbuilding which would have had a length and width of 14m and would have an area of approximately 144m². After further negotiations, an amended scheme has been submitted.
- 2.6 The applicant has reduced the length and width of the building by 0.9m and has reduced the entrance area to the proposed outbuilding. The amended outbuilding will have an internal floorspace of approximately 117m² and external will have an area of approximately 129m². Externally the area of the outbuilding has reduced by approximately 15m². The applicant has also provided details of proposed planting to the north of the outbuilding, including a climbing vine and evergreen shrubs.

3.0 PLANNING CONSTRAINTS

- 3.1 None

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: ENV28, H33
Supplementary Planning Documents: Residential Extensions Supplementary Planning Document

5.0 LOCAL REPRESENTATIONS

5.1 East Farleigh Parish Council – Objects for the following summarised reasons;

- The proposal could easily be used as a dwelling due to its size and layout
- Overlooking of neighbouring properties
- The appearance of the building is not in keeping with the area.

5.2 2 neighbouring properties (Gillmans, Ragdon) have made 3 representations objecting to the following;

- The proposal could be used as a separate dwelling
- Due to rising land it would overlook neighbouring properties & the public footpath
- Inappropriate visual appearance for area

5.3 The applicant has made comments in response to the concerns raised above by the Parish Council and local residents.

6.0 CONSULTATIONS

6.1 Environmental Health – No objections

‘The applicant should be mindful that the application site is near to an area of former quarrying’

7.0 APPRAISAL

Principle of Development

7.1 Domestic outbuildings are acceptable subject to meeting the criteria set out in policy H33 of the local plan. I would consider the main considerations involved with this application are the potential impact on the existing dwelling, the impact upon the countryside and the streetscene and the impact upon neighbouring amenity and whether the proposal creates or is capable of being a separate dwelling.

Background

7.2 It is noted that the size of the proposed building meets the criteria outlined as under Class E of Part 1 of Schedule 2 to the Town & Country Planning (General Permitted Development) Order to be considered permitted development.

7.3 However an application for a certificate of lawfulness for this outbuilding (reference; 15/505699/LAWPRO) was refused as it was considered the proposed outbuilding would not fall within the residential curtilage of Caledonia and that the size of the outbuilding and facilities included would exceed what can reasonably be considered as ‘incidental’ to the enjoyment of the dwellinghouse. This is the test considered for a development being permitted development, however these tests are not relevant for considering this planning application.

7.4 There is an on-going appeal regarding the refusal of a certificate of lawfulness for the proposed outbuilding (reference; 15/500202/REF)

Visual Impact

- 7.6 The proposal is situated over 30m away from the dwelling and would be a single storey building constructed in a timber frame with a pitched tiled roof. The proposed outbuilding has been reduced in size and whilst it would be a large outbuilding it would be clearly subordinate to the two storey dwellinghouse. Given its distance from the main dwellinghouse and single storey nature I am satisfied it would not harmfully affect the existing house.
- 7.7 With regard to the streetscene, due to the difference in land levels and existence of the main dwelling and detached garage of Caledonia the proposal would not be easily visible from the streetscene along Workhouse Lane and as such would not significantly harm the character of the streetscene.
- 7.8 The land level to the west and south of the proposed outbuilding steeply rises, and is well-screened due to existing trees/shrubbery along this bank. The applicant has shown planting along the north side of the outbuilding which is proposed to mitigate the visual impact of the development from neighbouring properties.
- 7.9 There is a public footpath (KM42) to the west of the site, the footpath is on an elevated position in relation to the proposal site, which sits approximately 15m below the footpath. Due to the existing screening and difference in land levels there would be limited views of the proposed outbuilding.
- 7.10 Where the outbuilding is visible from public vantage points, it would be viewed in the context of other residential dwellings and domestic sheds, greenhouses evident in neighbouring sites. The proposed outbuilding would be larger than other outbuilding evident in neighbouring sites, however due to the level of screening and limited views from public vantage points I would consider that the proposal would not constitute incongruous development within the countryside.
- 7.11 The proposed change of use of the land to garden land would largely accommodate the proposed outbuilding. The land has been cleared of any existing trees/shrubbery and is well screened. I am satisfied the proposed change of use of the land would not result in harm to the character of the countryside.

Residential Amenity

- 7.12 Policy H33 of the Maidstone Borough-Wide Local Plan (Adopted 2000) states that the Borough Council will not permit developments in the countryside that result in an unacceptable loss of amenity or privacy for adjoining residential property.
- 7.13 The neighbouring properties to the north of the proposal site are detached dwellings with large gardens, and there is at least a 35m gap between these properties and the proposed outbuilding. Along the elevation which faces these neighbours there are no windows proposed and therefore the proposal would not overlook these neighbouring properties, as such I am satisfied the proposed outbuilding would not cause any significant harm in terms of privacy.
- 7.14 There is an existing 1.8-2m close boarded fence running along the boundary line to the north, the outbuilding would project 1.5-2m above this fenceline and would also be set in 2.2m from the boundary. The applicant has shown landscaping along this boundary line which would mitigate the visual impact of the proposal. Due to the distance from these neighbouring properties and existing boundary treatments I am satisfied the proposal would not cause harm in terms of outlook or loss of light.

- 7.15 Regarding the neighbour 'Glen Clova' to the south of the dwelling, this neighbour is on an elevated position in comparison to Caledonia. The land level to the south of the proposed outbuilding steeply rises with trees & shrubbery. Given the different land levels, landscaping and distance away from the dwelling I am satisfied the proposal would not cause any harm to the amenities of this neighbouring property.

Other Matters

- 7.16 The proposed outbuilding is located in the land to the rear of the dwelling, situated at least 30m from the rear elevation of the host dwelling. The issue of the use of the proposed outbuilding as a separate dwelling has been raised.
- 7.17 The floorplans and supporting information demonstrate the proposal would be for leisure uses (gym, snooker, bar, tv/games, sauna) which I am satisfied constitute activities which will be used in connection with the host dwelling. The applicant has also stated they would be agreeable to conditions on the outbuilding specifying its ancillary use. There is also no separate access to the proposed outbuilding.
- 7.18 Given the proposed leisure uses and lack of a separate access I am satisfied the proposed outbuilding is not capable of being used as a separate dwelling. I would consider it necessary to attach a condition restricting its use for ancillary purposes to prevent its use as a residential dwelling in the future.
- 7.19 A unilateral agreement has been submitted as part of the application to demonstrate that the outbuilding would remain for incidental use. The NPPG advises that where possible that conditions should be used rather than legal agreements. As the use of the building can be ensured by a condition, in this instance a condition is considered appropriate rather than a legal agreement.

Highways

- 7.20 The proposed outbuilding is located to the rear of the dwelling at Caledonia, and would have no detrimental impact to the highway. The site has a garage and driveway to the front of the dwelling with provision for 3-4 parking spaces. The additional outbuilding for recreational use is unlikely to significantly increase the parking or vehicular movements to the site.

Landscaping

- 7.21 Apparent from my site visit the area where the proposed outbuilding will be situated has been cleared of any trees/large shrubbery. The trees on the bank to the south and west of the proposed outbuilding do not need to be removed to facilitate the development.
- 7.22 Landscaping is proposed along the boundary to the north of the proposed outbuilding including a climbing vine and evergreen shrubs, which when fully grown will grow up to 2.5-3m. The proposed landscaping are non-native species, given that the proposal is within the residential garden and would not be easily visible from wider views I am satisfied that the proposed landscaping would be acceptable and would not harm the character of the area.

8.0 CONCLUSION

- 8.1 The issues raised by the Parish Council and neighbours have been fully considered in the recommendation of this application. I would like to re-iterate the proposal is not for a new dwellinghouse but an outbuilding for leisure uses associated with Caledonia and a condition is recommended.
- 8.2 I am of the view this proposal would not cause any demonstrable harm to the character, appearance and amenity of the surrounding area. It is therefore considered overall that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the Council's adopted Supplementary Planning Document – Residential Extensions and all other material considerations such as are relevant. I therefore recommend conditional approval of the application on this basis.

9.0 RECOMMENDATION – GRANT Subject to the following conditions

CONDITIONS to include;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing Nos. Site Location Plan received 27th November 2015 and Ext 01, Ext 02, Ext 03, internal floor plan received 22nd February 2016.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

3. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

4. The building hereby permitted shall only be used for purposes ancillary to the use of the dwelling known as 'Caledonia'

Reason: In order to protect the amenities of neighbouring properties and in accordance with the provisions of the Development Plan.

INFORMATIVES - N/A

Case Officer: Corinna Griffiths

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.