

**Application No:** Y18/0348/SH

**Location of Site:** Land adjoining Hayward House Kennett Lane  
Stanford TN25 6DG

**Development:** Erection of a detached dwelling and associated landscaping, together with erection of detached double garage for existing house.

**Applicant:** Mr & Mrs Clinch

**Agent:** Mr Simon McKay  
SJM Planning And Construction Ltd  
Browning House  
Draper Street  
Southborough  
Tunbridge Wells  
Kent  
TN4 0PA

**Date Valid:** 13.04.18

**Expiry Date:** 08.06.18

**PEA Date:** 28.09.18

**Date of Committee:** 25.09.18

**Officer Contact:** Paul Howson

## **SUMMARY**

This report considers whether planning permission should be granted for the erection of a detached dwelling and associated landscaping on this site, together with a detached double garage for the existing house. The report recommends that planning permission be refused as it is considered that the design of the proposed dwelling features a conflict between the connecting elements, and that the integration between them is crude and unrelated. Therefore the design would not reflect the neighbouring properties nor be in keeping with the semi-rural streetscene.

<b>RECOMMENDATION: That planning permission be refused for the reason set out at the end of the report.</b>
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## **1.0 THE PROPOSAL**

- 1.1 This application is for the erection of a detached dwelling and associated landscaping in the garden of Hayward House, together with erection of detached double garage for the existing house.
- 1.2 The proposed detached dwelling would be a convoluted design with three pitched roof elements connected by two flat roof linking sections in a loosely 'L' shaped layout. It would feature a mix of external finishes including brick,

tile hanging, render and vertical and horizontal boarding. The ground floor would provide a kitchen/dining/family room, a lounge, a study, a garden room, and a garage. The first floor would provide a master bedroom with en-suite and walk in wardrobe, along with three further bedrooms (one en-suite) and a bathroom. The dwelling would have a ridge height of approximately 8.8 metres.

- 1.3 The application is accompanied by a Tree Survey Report, a Landscape Proposal, an Ecological Scoping Survey, and a Planning Statement.

## **2.0 SITE DESIGNATIONS**

- 2.1 The following apply to the site:

- Inside the Stanford settlement boundary
- There are protected trees within the site (TPO No.9 of 2018)
- Within an area of archaeological potential
- Grade II\* listed Stanford Windmill is 90m from the proposed development

## **3.0 LOCATION AND DESCRIPTION OF SITE**

- 3.1 The site forms part of the side garden of Hayward House. Hayward House is a large three storey detached dwelling (with the upper floor in the roofspace). The site is level undeveloped garden, and connected via steps up a small bank to the existing house which is raised in relation to the garden plot. The garden plot is located to the east of the existing dwelling. It comprises of a lawn dissected by a driveway with access onto Kennett Lane, leading to a garage/outbuilding and hardstanding parking area in the rear south east corner of the garden. The site is enclosed by a 2 metre high close boarded timber fence set back from the highway by a grass verge.
- 3.2 The site is by the junction of Stone Street and Kennett Lane. There are dwellings on the western side of the site along Kennett Road, and there are dwellings to the south of the site along Stone Street. The closest of these to the proposed infill dwelling on the southern side of the site is Barnstormers, which is a large converted barn. To the north on the opposite side of Kennett Lane is the dwelling Barn Lodge, and the substantial agricultural buildings of Yew Tree Farm. There is no uniform built form in the linear development along this part of Stone Street. A public footpath cuts across the open agricultural land to the east of the site on the opposite side of Stone Street, crossing the East Stour River which runs parallel to Stone Street 100m into the fields.
- 3.3 A Grade II\* listed windmill is approximately 90m from the proposed development. Due to this degree of separation and the fact the proposed development is not within the sightlines of the windmill when viewed from the public footpath, the proposed development is not considered to affect the setting of the listed building.

## **4.0 RELEVANT PLANNING HISTORY**

- 4.1 Erection of a 1.8m high close boarded fence and use of land as garden in connection with Hayward House was approved with conditions in 1983.
- 4.2 Erection of a two storey extension to provide bathroom and kitchen with store over was approved in 1985.
- 4.3 Erection of a link extension to the roof and installation of two dormer windows to the side facing roof slope was approved with conditions in 2002.

## **5.0 CONSULTATION RESPONSES**

- 5.1 Consultation responses are available in full on the planning file on the Council's website:

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below.

- 5.2 Stanford Parish Council  
Support the application
- 5.3 Arboriculture Manager  
The submitted arboriculture impact assessment is sufficient, and recommend tree protection measures are secured by condition
- 5.4 KCC Archaeology  
The area is known for archaeological finds, and recommend archaeological measures are secured by condition
- 5.5 KCC Ecology  
Sufficient ecological information has been submitted, and recommend ecological measures are secured by condition
- 5.6 Southern Water  
There is a public sewer crossing the site, and recommend conditions and advisory informatives.

## **6.0 REPRESENTATIONS**

- 6.1 Representation responses are available in full on the planning file on the Council's website:

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below:

- 6.2 2 representations have been received making the following comments:
- impact of the garage on neighbouring windows

- maintaining tree screen to protect privacy

## **7.0 RELEVANT POLICY GUIDANCE**

7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1 and the policies can be found in full via the following links:

<http://www.shepway.gov.uk/planning/planning-policy/local-plan>

<https://www.shepway.gov.uk/planning/planning-policy/documents-and-guidance>

<https://www.gov.uk/government/collections/planning-practice-guidance>

7.2 The following policies of the Shepway District Local Plan Review apply: SD1, BE1, BE5, BE16, BE17, CO1, TR5, TR11, TR12, HO1

7.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS3

7.4 The following paragraphs of the National Planning Policy Framework are of particular relevance to this application:

Paragraphs: 48, 124, 130

Sections: 2. Achieving sustainable development and 12. Achieving well-designed places

7.6 National Planning Policy Guidance

## **8.0 APPRAISAL**

### **Relevant Material Planning Considerations**

8.1 The relevant issues for consideration with regard to this current application are design and layout; visual impact on the streetscene and the landscape, neighbouring amenity, protected trees, archaeology, highway safety, ecology, and drainage.

8.2 The site is within an identified settlement boundary and Stanford is identified as a Primary Village within Shepway's Core Strategy. As such, residential development is acceptable within this area, in principle. Therefore, the principle of new residential development in this location is supported by saved local plan policy HO1, which supports residential infill within existing defined settlements; and Core Strategy policy SS3 which states the principle of developments are likely to be acceptable in defined settlements.

### **Design and Layout**

- 8.3 Hayward House is an attractive building and dates back to 1704. As such, the dwelling could be considered to be a non-designated heritage asset. Development of the site therefore needs to be sensitive to the setting of Hayward House. The proposed dwelling would have a lower ridge height than Haywards House at approximately 8.5m as opposed to approximately 9.5m for the existing house. Furthermore, the garden plot is on slightly lower land than the top end of the site where the existing house is sited. However, this insignificant differential in terms of height, would not address the significant variance in footprint. The proposed dwelling would have a footprint of approximately 193sqm as opposed to approximately 136sqm for the existing Hayward House. Consequently a two storey dwelling which would not be significantly lower than the existing house, with a considerably greater footprint, would appear significantly more bulky and dominant than the existing house, accentuated by the discordant design. It is considered that any development of this garden plot should not relegate the existing house to being subservient, and should respect the scale and form of the host dwelling. The proposed house would have a similar scale and height of the existing neighbouring dwelling Barnstormers. It is not considered this should set a template for the scale of the proposed dwelling, as this was a conversion of an existing large barn, the scale of which was therefore pre-determined.
- 8.4 The design approach adopted is not considered to be appropriate. The proposal involves a number of different architectural features with the elevations and roof forms being complex and convoluted, all competing for maximum interest. It is considered there is an awkward conflict between the connecting elements and main elements, and that the integration between them is crude and unrelated. This multifaceted design is not appropriate to the semi-rural streetscene and would compete with and dominate Hayward House. The application makes a case that the 'deconstructed architecture' is a modern interpretation that would not compete with the host building as it would be from a different era, and would they would read as completely different buildings. It is not considered that this adopted approach of picking out individual elements from existing surrounding buildings, and linking them together in a confusing mixture of styles, forms a 'whole' that would integrate with the surrounding built form. It is hard to see how a building of this scale and unconventionality would not be a visual imposition on the site, and visually jar in these semi-rural surroundings. Contrary to the claims set out in the planning statement, it is not considered the multidimensional architectural detailing would be in keeping with its surroundings. At paragraph 124 the guidance contained in the NPPF (2018) seeks that design should contribute positively to making places better for people and it is considered that the proposal conflicts with this aspiration. As such in accordance with paragraph 130 of the NPPF planning permission should be refused for development as it fails to take the opportunity to improve the character of the area and the way it functions.

## **Streetscene/Landscape**

8.5 In terms of the visual impact on the rural streetscene, the proposed dwelling would be accessed via Kennett Lane and turns the corner to have an interface with the streetscene here. It would also be very visible from Stone Street and the public footpath across the adjacent field, albeit it is acknowledged the retained trees along the Stone Street frontage would serve to soften the proposed development. Paragraph 70 of the NPPF (2018) seeks consideration of policies to resist inappropriate development of residential gardens, where for example they would cause harm to the local area. In the light of this emerging policy HB10 of the Places and Policies Local Plan seeks to resist redevelopment of residential garden land where the proposals fail to respond to the character and appearance of the area. It also seeks to resist development which is not of an appropriate scale and layout for the plot. The emerging local plan is at an advanced stage of preparation, and policy HB10 has no significant outstanding objections and is consistent with the NPPF, and therefore in accordance with paragraph 48 of the NPPF 2018, the LPA can give weight to policy HB10 of the emerging plan. It is considered the proposed development would fail to integrate successfully with the local built form which is characterised primarily by a myriad of styles of houses in the rural vernacular, including converted barns, simple agricultural workers cottages and bungalows, farm buildings, and grander rural residences such as the host dwelling. As such, the proposal would not be considered to sit comfortably in the streetscene or in the landscape, where the site forms part of the edge of the settlement boundary.

### **Neighbour Amenity**

8.6 In terms of the amenities of neighbouring occupiers Paragraph 127 f) of the NPPF seeks to ensure planning decisions 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'. The main consideration in this regard is Barnstormers, a large converted barn to the south of the proposed dwelling. Given the spatial relationship, with the proposed dwelling to the north of this neighbouring dwelling and with 17m space separation, it is considered that there would no issues with overshadowing or loss of daylight. Furthermore, the first floor window orientation of the proposed dwelling would mean direct interlooking would be minimised. There are three dormer windows in the neighbouring roof slope facing the proposed dwelling, where the windows serving a roof void, a bathroom and a linen room could be obscure glazed, secured by condition. The two proposed rear elevation windows serving bedroom 4 would have an outlook onto the part of the roof slope with two rooflights. Given these are high level, and the 17m space separation it is considered the likely level of overlooking of windows and amenity areas would not be significantly intrusive. The tree planting shown on the landscaping proposal would take significant time to establish to provide any kind of privacy screen and cannot be relied on to protect privacy, nonetheless, in the light of the above it is considered that the impact on the occupiers of Barnstormers would not be a constraint on the proposed development, as the impact on their amenity would not be so significant as to warrant withholding planning permission.

8.7 In terms of Hayward House there would only be one first floor window facing this existing dwelling, which would serve a bathroom, and as such would be obscure glazed. Furthermore with 9m space separation and being on lower land the proposal would not be deemed overbearing in regard to the occupiers of the host dwelling. There would be some loss of morning sunlight to the east elevation of Hayward House from the proposed development, but by mid-morning the host dwelling would get uninterrupted sunlight throughout the rest of the day. In terms of the neighbouring bungalow, Conifers, it is considered the 4m space separation from the proposed garage would ensure the levels of morning shadow would not exacerbate that which exists from the existing three storey dwelling. Overall, due to the generous proportions of the plot, it has been possible to design a building that would not impact excessively on neighbouring occupiers, and as such residential amenity is not considered to be a constraint on the proposed development. Furthermore, the dwelling has been designed to provide good sized outdoor amenity space, and good sized rooms and adequate light and outlook to all habitable rooms, which would provide good quality living conditions for future occupiers.

### **Protected Trees**

8.8 The site has several trees mostly around the edges of the site which have an important amenity value, and consequently are protected by a Tree Preservation Order (TPO). It is proposed that 7 trees would be removed to accommodate the proposed development, but that this would be mitigated by replacement planting. Regarding the retained trees the Council's Arboricultural Manager has approved the root protection measures, which can be secured through a condition. He has requested he is given the opportunity to inspect the tree protection when installed, to ensure compliance with the approved protection measures. This can be secured by condition Overall, it is considered that there would be a short term impact on the site trees from the proposed development, but subject to the retained trees being adequately protected during construction, and with suitable replanting and landscaping, this short term impact can be mitigated against, which can be secured by planning conditions.

### **Archaeology**

8.9 The site is adjacent to the Roman Road (Stone Street) which is an area of known archaeological finds. Consequently the KCC Archaeologist has recommended a watching brief, which can be secured by condition.

### **Highway Safety**

8.10 The proposal would utilise the same access as the existing Hayward House, which in turn would be provided with a new dedicated vehicle access, avoiding intensification of the existing access, which is close to the junction with Stone Street. As such there would be a neutral impact on highway safety. Kent Highways Interim Guidance Note 3 sets the requirements for parking provision, which, for a 4 bedroom house in this location would be 2 independently accessible parking spaces. The proposed driveway/turning

area for the proposed new dwelling would comfortably accommodate this. Kent Highways no longer consider garages to be parking spaces and therefore the proposed garage for Hayward House would not contribute towards this parking requirement. However, the site plan indicates space for two off road parking spaces forward of the proposed garage, and as such this would meet the necessary requirement.

## **Ecology**

8.11 The site contains mature trees and is adjacent to open countryside so there is potential habitat for protected species such as bats. Consequently additional ecological surveys were required to assess the ecological impact of the proposed development. KCC Ecologists are now satisfied that the presence of bats and breeding birds can be mitigated by suitably worded conditions, as well as securing more general biodiversity enhancements.

## **Environmental Impact Assessment Regulations 2017**

8.12 In accordance with the EIA Regulations the site does not fall within a sensitive area and the development is below the thresholds for Schedule 2 10(b) urban development projects and therefore does not need to be screened under these regulations.

## **Drainage**

8.13 Southern Water have advised about a public sewer crossing the site and options to deal with this, and the agreed measures that would be needed to be secured by condition.

## **Other**

8.14 This application is reported to Committee due to the views of Stanford Parish Council. The application has also been called in by Cllr Carey as the appropriateness of design is subjective, and as such the proposed design should be debated by members.

## **Local Finance Considerations**

8.15 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £125 per square



metre for new residential floor space and the proposal would generate £38,016.50.

- 8.16 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district. The New Homes Bonus funding regime is currently under review and is anticipated to end. Under the scheme the Government matches the council tax raised from new homes. This is for a period covering the first 4 years. In this case, an estimated value of the New Homes Bonus as a result of the proposed development would be £1,272.59 when calculated on the basis of council tax Band D average dwellings. If an authority records an overall increase in new homes in any one year, but this increase is below the 0.4% threshold, the authority will not receive any New Homes Bonus funding relating to that particular year. New Homes Bonus payments are not a material consideration in the determination of this application.

### **Human Rights**

- 8.17 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

## **9.0 BACKGROUND DOCUMENTS**

- 9.1 The consultation responses set out at Section 5.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

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### **RECOMMENDATION – That planning permission be refused for the following reason:**

The proposed infill dwelling, by virtue of the complex and convoluted design compounded by the excessive breadth would fail to respect the form of development in the area, resulting in an incongruous form of development which fails to respond to the existing character and appearance, which is characterised primarily by a mix of styles of houses in the rural vernacular. The proposal would therefore be harmful to the character of the area, incongruous with the existing development in the locality, and would appear discordant and dominant in respect to its surroundings. As such, the proposal would be contrary to the National Planning Policy Framework

(2018), to saved policy BE1 of the Shepway District Local Plan Review, and emerging policy HB10 of the Places and Policies Local Plan which seek amongst other things to ensure that development should accord with existing development in the locality.

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