

8 MC/09/2635

Date Received: 10 December, 2009

Location: Fenn House Farm, Fenn Street, St. Mary Hoo, Rochester, Kent ME3 8QT

Proposal: Demolition of existing building and erection of a pair of semi-detached 3 bedroom houses with associated parking

Applicant: Mr Symonds

Agent: Cook Architecnique Architects Whitewall Centre Whitewall Road
Medway City Estate Strood, Kent ME2 4DZ

Ward Peninsula

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 31 March, 2010.

Recommendation - Refusal

- 1 The proposed development within the rural area fails to demonstrate any recognised rural special needs justification for new and additional residential development in the countryside and would be detrimental to the character of the area. The proposal is therefore in conflict with Policies CC6 and C4 of the South East Plan 2009 and Policies BNE1, BNE25 and BNE33 of the Medway Local Plan 2003.
- 2 The proposed development, by virtue of its proximity to the sole bedroom window in the southwestern flank of 1 Forge Cottages, will result in a loss of outlook from that room to the detriment of the amenities that the occupier of that property may reasonably expect to enjoy and therefore is contrary to Policy BNE2 of the Medway Local Plan 2003.
- 3 In the absence of a desk top study to identify whether the site is contaminated it is not possible to conclude whether or not the site is suitable for the proposed residential development and therefore conflicts with Policy BNE23 of the Medway Local Plan 2003.

Site Description

The application site currently comprises the eastern side garden of Fenn House and is in part occupied by a number of outhouses and concrete sheds. Fenn House to

the west, is a large detached property which has been extended. The application plot is approximately 17m wide and 40m deep. An unmade track to the east of the site leads up to a number of fields to the north in which horses are kept with associated stables. The site is bounded immediately to the east by numbers 1 and 2 Forge Cottages and four other cottages, also fronting Fenn Street, lie to the east of them.

The surrounding area is predominantly rural in character and comprises farmland. The Fenn Street industrial estate, lies to the south east on the opposite of Fenn Street. The plot is located in close proximity to Fenn Street's junction with the A228/Radcliffe Highways to the south.

The site lies outside of the main urban area within the open countryside and a Special Landscape Area.

Proposal

This application seeks planning permission for the demolition of existing building and erection of a pair of semi-detached three bedroom houses with associated parking.

The proposed houses will be approx 9m deep and approx. 5.3m wide. The height to the eaves will be approx. 4.8m and to the ridge will be approx. 9.5m. They will have canopies to the front and bay windows to the rear. Each house will be served by a parking space to the front and a garage to the rear. The rear garden of the most northeastern house will be approx. 7m deep and the southwestern house will be approx. 4m and a side garden approx. 4m wide. They will be of a modern design with a flat roof dormer at the front and rooflights to the rear. The exiting vehicular access will remain.

Site Area/Density

Site area: 0.0473ha (0.12 acres)
Site density: 42.55 dph (16.67 dpa)

Relevant Planning History

Fenn House Farm:

- | | |
|---------|------------------------------------------------------------------------------------------------------------------------------------|
| 90/0838 | Two storey side extension and loft conversion, incorporating rear dormer windows
Approval 23 January 1991 |
| 91/0222 | Erection of a single storey wooden stabling, block and change of use of agricultural land, to paddock area
Approval 29 May 1991 |
| 97/0385 | Use of land as paddock and construction, of a stable block
Approval 15 October 1997 |

MC/00/1633 Outline application for the construction of a pair of semi-detached houses.
Fenn House Farm, Fenn Street, St. Mary Hoo, Rochester, Kent, ME3 8QT
Refused 17 January 2001
Dismissed at appeal 10 October 2001.

Representations

The application has been advertised on site. Neighbours letters have been sent to the owners and occupiers of 1 and 2 Forge Cottages and Fenn House, Fenn Street, St Mary Hoo, Kent.

St Mary Hoo Parish Council has written to object to the application as the proposal is contrary to the countryside protection policies and has already been dismissed on appeal.

Two letters of objection received making the following comments:

- The derelict building on site is not an old Forge
- Policy BNE25 would be compromised as the buildings would be in the countryside and look modern and will not be built for farm workers
- The land does not look derelict – it looks like countryside
- There is enough affordable housing underway in nearby villages
- The area is subject to Policy BNE33 Special Landscape Area. The land 500 yards along has plans to be a nature reserve
- There are enough houses being built in Hoo without destroying what natural parts of the countryside which remain

Five letters of support have been received making the following comments:

- It is a good idea to built some reasonably priced housing in the area
- The piece of land in question is untidy and an eyesore

Development Plan Policies

Government Guidance

PPS1 – Delivering Sustainable Development
PPS23 – Planning and Pollution Control

South East Plan 2009

Policy CC6	(Sustainable communities and character of the environment)
Policy C4	(Landscape and countryside management)
Policy T4	(Parking)

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE25	(Development in the Countryside)
Policy BNE33	(North Kent Marshes Special Landscape Area)
Policy T1	(Impact of Development)
Policy T13	(Parking Standards)

Planning Appraisal

Background

On 3rd November 2000 an application for outline planning permission for a pair of semi-detached houses was submitted to the Local Planning Authority. This was refused on the grounds that the application failed to demonstrate any recognised rural special needs justification for development in the rural area and would be detrimental to the character of the area. An appeal was lodged against this decision and was dismissed on 10th October 2001. The Inspector considered the main issue to be the effect of the development on the character and appearance of the countryside having particular regard to its location within the North Kent Marshes Special Landscape Area (SLA). His main concern was the principle of the scheme. He identified that the small group of dwellings within which the site lies is not within a settlement defined in the Local Plan and no evidence was provided that the new dwellings were required in connection with agriculture or forestry or other use requiring a rural location. He concluded that priority would normally be given to SLA's over other planning considerations. He considered that the proposed development would merely consolidate the small group of houses and add to sporadic development in open countryside which national and local policies seek to control. He says *'In my view their presence would harm the open character of the area by adding further building in conflict with the key aim of protecting the natural beauty of the SLA. For these reasons, I find the scheme unacceptable'*.

The applicant feels that as 10 years has passed the site could now be reconsidered for development. His planning statement states that the site is situated within an Area of Local Landscape Importance (Policy BNE34) however this is incorrect as the site sits within the North Kent Marshes Special Landscape Areas (BNE33).

Principle

The site lies within the rural area as defined in the Medway Local Plan 2003. The proposal therefore falls to be assessed against the criteria identified under policy C4 of the South East Plan 2009 and policies BNE1, BNE25 and BNE33 of the Medway Local Plan 2003 which seek to protect the countryside for its own sake and to prevent development within the rural area unless a special justification can be made or there is an overriding need for it. The special justification for development in the rural area relates to need associated with agriculture, forestry or other land uses essentially demanding a rural location.

Planning Policy Statement 1 - Delivering Sustainable Development states that development should protect and enhance the natural and historic environment, the quality and character of the countryside, and existing communities.

Policy C4 of the South East Plan aims to protect and enhance the diversity and local distinctiveness of the regions landscape.

Policy BNE1 of the Local Plan indicates a general presumption against permitted new development if it would detract from the existing pleasant appearance and character of an area. The site is not allocated for residential use and the siting of two houses on this plot would detract from the countryside character of the area.

Policy BNE25 allows some development in the countryside providing it meets one of seven criteria, in particular that the site must be allocated for that use. This site is not allocated for residential use and the proposal does not meet any of the other six criteria (enhances countryside; demands rural location; re-use of existing building; redevelopment of redundant institutional complex; rebuilding of dwelling; public use requiring rural location) and therefore does not accord with this policy.

Policy BNE33 of the Local Plan identifies the site as being within the North Kent Marshes Special Landscape Area where long term protection is to be given to the landscape value of the area over other planning considerations. Development within this area would only be permitted if it conserves and enhances the natural beauty of the area's landscape or that the economic or social benefits are so important that they outweigh the priority to conserve the natural beauty of the area's landscape. The proposal for two houses does not conserve or enhance and there are no socio economic benefits that outweigh the countryside protection policy presumption and so the proposal does not accord with this policy.

The application is for the erection of two new dwellings within the countryside and the applicant has not provided any supporting information to justify why the proposal should be treated as an exception to the cited rural restraint Development Plan policies. It is considered that the proposal is contrary to these policies as it does not fall within one of the accepted categories of development in the rural area. Accordingly an in-principle objection is therefore raised to the application.

Street scene and design

Apart from the in-principle objection to this application it is considered that this plot would be large enough to accommodate the proposed houses. The adjacent houses are mixed in design and type and the proposed design is not considered to interrupt any uniformity. The design is standard and offers no architectural interest to the street scene. The front flat roof dormers are not ideal, however, as the street scene is very mixed, this would not be a reason for refusal on its own. Although the scale and appearance is acceptable, the siting within the countryside is not and therefore does not respect the visual amenity of the area.

The proposal therefore does not accord with policy CC6 of the South East Plan 2009 and policy BNE1 of the Medway Local Plan 2003.

Neighbours' amenities

Fenn Farm is situated to the southwest of the application site. This is a detached chalet bungalow with a detached garage to the side/rear. There are windows in the northeastern flank of this property, however no windows are proposed in the southwestern elevation of the proposed property facing this property (there is one small window to the front of the flank which does not face this property). There will be no loss of privacy for this neighbour. In terms of outlook there will be approx. 9.5m between the flank walls of the properties and, on balance, this is not considered to result in a significant loss of outlook to this property. Due to the path of the sun there will be no detrimental impact in terms of loss of sunlight or daylight.

Number 1 Forge Cottages is situated to the northeast of the application site. This property has been extended to the rear. The ground floor flank windows are screened from the application site by the owners' garage and vegetation. There is one first floor flank window which serves a bedroom. The proposed houses will be approx. 8m away from this sole bedroom window. This is considered to result in significant loss of outlook to this room to the detriment of the amenities of the occupiers of this property. In terms of privacy no windows are proposed in the northeastern flank and therefore there will be no loss of privacy for this neighbour. Any windows introduced at a later date to have clear glass would require planning permission and therefore no condition would be required if this application were approved. Due to the siting of the proposed properties there will be no loss of sunlight or daylight for this dwelling.

The proposal therefore conflicts with the objectives of policy BNE2 of the Medway Local Plan 2003.

Highways

It is considered that the provision of an access or accesses to serve the proposed houses would not be prejudicial to highway safety in the area having regard to the relatively small number of vehicle movements that would be generated. It is also considered that there would be sufficient space on site for on-site car parking to be provided to satisfy the requirements of the adopted vehicle parking standards. No objection is therefore raised on highways grounds.

Other matters

Planning Policy Statement 23 and Policy BNE23 of the Medway Local Plan 2003 require a site examination where proposals involve the development of land which is likely to be contaminated. The application has not been supported by such an examination or desk top study. In the absence of the findings of a site examination it will not be possible to assess the appropriateness of allowing new residential development at this location and therefore the proposal does not accord with policy.

Conclusions and Reasons for Refusal

The principle of dwellings situated within the countryside and a Special Landscape Area is contrary to national, regional and local planning policies. It has not been

demonstrated that the site is not contaminated which is also contrary to policy. The pair of semi-detached houses will result in a significant level of loss of outlook from the sole bedroom window in the flank of Number 1 Forge Cottages. The application is accordingly recommended for refusal.

The application would normally be considered under delegated powers but is being referred to Committee at the request of Cllr Peter Hicks on the basis that Committee should consider whether this is an appropriate infill site where the need for affordable housing in rural areas justifies an exception to policy.

This application was considered by Members at the Development Management Committee on the 10 March 2010, when it was determined to defer a decision to enable a Members' site visit to be held.
