

MC/13/2951

Date Received: 15 November, 2013

Location: Land at Fenn Corner (Adj to Fenn House) Fenn Street, St Mary Hoo, Rochester, ME3 8QT

Proposal: Construction of a detached four bedroom dwelling with access and associated parking (Resubmission of MC/13/1192)

Applicant: Mr Hufton

Agent: Mr M Carter mark carter design Design Studio Priestfield Stadium Redfern Avenue Gillingham Kent ME7 4DD

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 8 January, 2014.

Recommendation - Refusal

- 1 The proposed development lies within the rural area and a designated Special Landscape Area and fails to demonstrate any recognised rural special needs justification for new residential development in the countryside. The development would be detrimental to the character and appearance of the surrounding countryside and the Special Landscape Area in general and is therefore in conflict with Paragraph 55 of the National Planning Policy Statement and Policies BNE1, BNE25 and BNE33 of the Medway Local Plan 2003.
- 2 The rear garden of the proposed dwelling would be overlooked from the gable windows of the adjoining property at Fenn House. As such the proposal would not provide the level of amenity and privacy that is expected for a family dwelling therefore the proposal is contrary to Policy BNE2 of Medway Local Plan 2003.

For the reasons for this recommendation for refusal please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This application seeks planning permission for the demolition of an existing building and erection of a detached four bedroom dwelling with associated parking.

The proposed dwelling is two storeys in height and shown to contain four bedrooms. The proposed dwelling will measure approximately 14.4m in width by 12.6m in depth and will be constructed from brick, with weatherboarding to the principal elevation and the first floor. The proposed roof is hipped and the ridge of the roof will have a height of approximately 8.0m, whilst the eaves height of the principal elevation will be 3.8m and the eaves height to the rear elevation will measure some 5.2m. The dwelling will have a plain tile roof.

To the ground floor the proposed dwelling provides, a lounge, a kitchen/dining room with family room, a study and cloakroom. A garage is also provided to the eastern elevation with a utility room to the rear. The first floor provides four bedrooms, two single and two double, with en-suite facilities to the master. A family bathroom is also provided.

Access to the site will be taken via an amended point of access from Fenn Street and parking space for three vehicles will be provided on site.

Site Area/Density

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

Relevant Planning History

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| MC/13/1192 | Construction of a detached four-bedroom dwelling house with an attached single garage with utility room to the side.
Withdrawn by Applicant
28 August, 2013 |
| MC/09/2635 | Demolition of existing building and erection of a pair of semi-detached 3 bedroom houses with associated parking
Refused 01 April 2010 |
| 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
Refused 17 January 2001
Dismissed at appeal 10 October 2001 |

Fenn House Farm:

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| 97/0385 | Use of land as paddock and construction, of a stable block
Approved 15 October 1997 |
| 91/0222 | Erection of a single storey wooden stabling, block and change of use of agricultural land, to paddock area
Approved 29 May 1991 |

90/0838 Two storey side extension and loft conversion, incorporating rear dormer windows
Approved 23 January 1991

1 Forge Cottages

86/1155 Proposed two storey & single storey rear, extension together with internal alterations
Approved 16 February 1987

Representations

The application has been advertised on site. Consultation letters have been sent to the owners and occupiers of neighbouring properties. St. Mary Hoo Parish Council have been consulted.

No representations had been received.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within these documents and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

Planning Appraisal

Background

On the 28 August 2013 an application for the erection of a detached four-bedroom dwelling house with an attached single garage with utility room to the side was withdrawn by the applicants following the publication of a report to the Members of Medway Council's Planning Committee which recommended that the application be refused.

On the 1 April 2010 an application for outline planning permission for a pair of detached houses was refused by Medway Council on a number of grounds including one that stated 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. No appeal was lodged against this refusal.

Prior to this an application for outline planning permission for a pair of semi-detached houses was also refused by Medway Council on the 3 November 2000. The grounds for refusal were that the application failed to demonstrate any recognised rural special needs justification for development in the rural area and that it 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 principle of the scheme

and its effect on the character and appearance of the countryside, having particular regard to its location within the North Kent Marshes Special Landscape Area (SLA). 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 also 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 stated *"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"*.

Principle

The site lies within the rural area as defined in the Medway Local Plan 2003. The National Planning Policy Framework (NPPF) advises at Paragraph 55 that *"...to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:*

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling."*

This paragraph of the NPPF goes on to advise that *"...such a design should:*

- *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
- *reflect the highest standards in architecture;*
- *significantly enhance its immediate setting; and*
- *be sensitive to the defining characteristics of the local area.*

The NPPF approach, as set out above, is reflective of the Council's existing countryside restraint policy, as set out in policy BNE25 of the Medway Local Plan 2003, which seeks to ensure development maintains, and wherever possible enhances, the character, amenity and functioning of the countryside... and;

- is proposed on a site allocated for that use; or
- relates to development essentially demanding a countryside location (such as agriculture, forestry, outdoor or informal recreation); or
- related to the re-use or adaptation of an existing building that is, and would

continue to be, in keeping with its surroundings in accordance with Policy BNE27;
or

- related to a re-use or redevelopment of the existing built-up area of a redundant institutional complex or other developed land in lawful use; or
- related to the rebuilding of, or modest extension or annex to, a dwelling; or
- related to a public or institutional use for which the countryside location is justified and which does not result in volumes of traffic that would damage rural amenity.

In addition to the above the proposal falls to be considered against the criteria identified under policies BNE1 and BNE33 of the Medway Local Plan 2003.

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 it is considered that the siting of the proposed dwelling on this plot would detract from the countryside character of the area.

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. This proposal does not conserve or enhance the natural beauty of the area's landscape and there are no socio economic benefits that outweigh the countryside protection policy presumption and so the proposal is not considered to accord with this policy.

The application is for the erection of a new dwelling within the countryside and whilst the applicant has submitted a planning statement, which argues that the development is 'sustainable development and results in the re-use of previously developed land quoting NPPF's paragraphs 6, 49, 61, 111, 186 and Sections 6 and 7, they do not specifically refer to paragraph 55 which is quoted above. The applicant is not considered to have provided any supporting information, to justify why the proposal should be treated as an exception to the cited rural restraint set out in Paragraph 55 of the NPPF or Policy BNE25 of the Medway Local Plan 2003. For this reason the development proposed is considered to be contrary to these policies, as it does not fall within one of the accepted exception categories of development in the rural area. Accordingly an in-principle objection is therefore raised to the application.

Neighbours amenities

Fenn Farm is situated to the southwest of the application site. This is a detached chalet bungalow and 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, other than a kitchen window at ground floor and a window to an en-suite at first floor. Due to the siting and orientation of the proposed dwelling, together with the proposed window positioning it is not considered that there will be any loss of privacy for this neighbour. However the patio and rear garden area of the proposed new dwelling will be seriously over looked from the

gable windows of the adjoining properties resulting in a poor level of privacy for the future occupiers. This would be contrary to Policy BNE2 of the Medway Local Plan 2003. In terms of outlook there will be approx. 7.5m 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 are no windows proposed in the elevation which faces 1 Forge Cottage and as the proposed houses will be approx. 7m away from this property it is not considered that a significant loss of outlook to this property would occur. It is recognised that there is a bedroom window in the side elevation of number 1 Forge Cottage, but it is not considered for the reasons given above that the proposed development would be detrimental to 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. Due to the siting of the proposed property there will be no loss of sunlight or daylight for this dwelling.

Highways

It is considered that the provision of an access or accesses to serve the existing and proposed dwelling 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 and the development is considered to be acceptable in terms of policies T1, T2 and T13 of the adopted Local Plan.

Local Finance Considerations

There are none considered relevant to this application.

Other matters

The applicant through his planning statement makes much of the NPPF and the phrase 'previously developed land'. However, the development is not considered to be justified on the basis of their arguments. The NPPF defines previously developed land as:

“land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but

where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”

It is considered that the remains of the structure on site have blended into the landscape in the process of time and that no case can be adequately made to justify a previously developed land argument. It is considered that the site does not meet the definition of previously developed land, as set out in the NPPF. Bearing this and the above matters in mind, it is clear that the proposal fails to meet the criteria as set out in paragraph 55 of the NPPF and policy BNE25 of the Medway Local Plan 2003.

Conclusions and Reasons for Refusal

The principle of a new dwelling on this plot which is located within the countryside and a Special Landscape Area is contrary to national and local planning policies. The application is accordingly recommended for refusal.

This application would normally fall to be determined under officers' delegated powers, but is being reported for Members' consideration due to the fact that applications MC/13/1192 and MC/09/2635 were both previously reported to and considered by the Planning Committee.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://planning.medway.gov.uk/dconline/AcolNetCGI.gov>