

Officer Report

Application No.	20/0291/FH
Site Address	Woodgate, Gate Lane, Rhodes Minnis, Canterbury, CT4 6YA
Officer Name	Ross McCardle
Proposal	Proposed demolition of existing timber framed double garage and construction of new double garage with utility room and toilet on the ground floor and home office and store room on the first floor.

Recommendation

Report Number	RD-421342
Recommended Decision	Recommended to be Refused
Recommendation Date	06 May 2020

Report

SITE

The application site is a detached house (“Woodgate”) situated in the countryside at Rhodes Minnis. It is set side-on to the road within a generous plot and is of a relatively traditional design with a timber-clad upper storey above a flint and brick ground floor.

A detached garage is set to the NW of the property, towards the rear corner of the plot. It is constructed of dark-stained timber and has a slack roof pitch with a low ridge, similar to rural outbuildings elsewhere in Kent.

The site is within the Kent Downs AONB.

RELEVANT HISTORY

Y19/0955 refused PP for the erection of a detached building including a double garage and ancillary accommodation. It was of a similar design to that proposed here but included a porch and dormer windows:



The application was refused on the grounds that the footprint, height, dormer, first floor side windows and porch gave it the appearance of a separate dwelling rather than a subordinate outbuilding, and that it would be excessively prominent and harmful to the character of the AONB and the wider countryside:

REASONS:

1. The proposed building, due to its footprint, height, roof dormers, first floor side windows, and entrance door with porch, would have the appearance of a dwelling rather than an appropriate appearance of an outbuilding subordinate to the main dwelling. The building would be of excessive prominence when viewed from the road and the open countryside alongside the site, and would not have an appropriate visual relationship with the main dwelling. The character of the property, the street scene and the surrounding countryside and AONB would be harmed. The proposed development is therefore contrary to saved Policies SD1, BE1, BE8, CO1 of the Local Plan Review and emerging policies HB1, HB8 and NE3 of the emerging Places and Policies Local Plan Submission Draft.

Prior to that application ref. 94/0074 granted PP for erection of the existing double garage.

PROPOSAL

This application seeks planning permission for demolition of the existing garage and erection of a replacement two-storey double garage with ancillary accommodation above.

The building would measure approximately 9.7m wide x 6.3m deep x 6.7m tall (3.1m to eaves), and constructed using a brick plinth with timber cladding above. At ground floor there would be two garage bays, utility room and WC, and at first floor it is proposed to have an office and store room.

The scheme is similar to that refused under Y19/0955 but omits the dormer windows and porch.

CONSULTATION RESPONSES

None received.

REPRESENTATIONS

None received.

PUBLICITY

The application was publicised in accordance with the regulations.

RELEVANT POLICIES

Local Plan Review Saved Policies:

SD1, BE1, CO1, TR12.

Core Strategy Local Plan:

DSD, CSD4.

Places and Policies Local Plan Submission Draft:

HB1, HB8, NE3, T2.

The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. An examination-in-public was held in 2019, with hearing sessions taking place from 15-17 May 2019. The Inspector recommended a limited number of Main Modifications to the Plan which were consulted on from 13 January to 24 February 2020. The council is currently waiting for the Inspector's Report on the Plan before proceeding to adoption.

Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which states that the more advanced the stage that an emerging plan has reached, the greater the weight that may be given to it (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018), as proposed to be modified by the published Main Modifications (2020), may be afforded significant weight.

Core Strategy Review Submission Draft 2019:

SS1, CSD4

The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. Following changes to national policy, a further consultation was undertaken from 20 December 2019 to 20 January 2020 on proposed changes to policies and text related to housing supply. The Core Strategy Review was then submitted to the Secretary of State for independent examination on 10 March 2020.

Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which states that the more advanced the stage that an emerging plan has reached, the greater the weight that may be given to it (paragraph 48). Based on the current stage of preparation, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.

NPPF and NPPG:

The NPPF and NPPG generally support residential extensions subject to matters of detail and consideration of amenity impacts. The NPPF affords the highest degree of protection to the AONB and aims to protect the countryside for its own intrinsic character and amenity value.

APPRAISAL

Design and visual impact

The application site is located within the countryside and the Kent Downs AONB and therefore the visual impact of the proposed development is of particular concern. Saved Policy CO1 requires that the particular quality and character of the countryside be maintained or enhanced, and that all proposals in the countryside are of a high standard of design and sympathetic in scale and appearance to their setting. Emerging Policy NE3 requires that development conserves and enhances the natural beauty and locally distinctive features of the AONB.

Due to the plot arrangement of the application site, the existing garage, situated directly behind the site access, set back within the plot, is visible from the road. The property is partially screened from view, but is clearly visible in views from the west. There is screening in situ to the rear boundary of the site, the western side boundary is however relatively open with open land alongside.

The existing garage, whilst not of any particular aesthetic merit, is considered to be of an appropriate footprint, scale, form and finish. It appears as a single storey outbuilding, subordinate to the main house, and there are examples of similarly low-key buildings at rural properties throughout the county.

The proposed outbuilding is not significantly different from the previously refused scheme. The removal of dormer windows and porch reduces the visual bulk of the building slightly, but the overall scale, bulk, and form of the proposed building is still unacceptable. The footprint of the proposed building would be roughly 9.8 x 6.2m, compared to the footprint of the main dwelling at 8.4 x 6.8m (as set out on drawing 5757-09), and the proposed outbuilding would therefore be *bigger* than the main dwelling and, as with the previously refused scheme before, would visually read as a separate dwelling rather than a subordinate ancillary outbuilding.

The resultant relationship between the two would therefore not be appropriate. An outbuilding of this scale and design would overwhelm and harm the character of the main property and result in an

overly prominent structure and an overdeveloped plot, with two buildings of dwelling type scale, character and appearance set in close proximity to each other.

The scheme has not changed significantly from the previous refusal to the extent that the officers should reconsider their position, in my opinion.

The proposed building would be highly prominent from the road in front of the site, and in views coming down the road from the west. The building would also be of prominence when viewed from the open countryside alongside to the west, where again the building would have the appearance of a dwelling rather than a garage / subordinate outbuilding.

The proposed development would harm the character of the property, and the character of the surrounding countryside and the AONB would not be preserved or enhanced.

Amenity

Due to the location of the property the works would be unlikely to cause any serious harm to neighbouring amenity.

Parking and highways

I have no serious concerns in this regard.

HUMAN RIGHTS

I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the Recommendation represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) [and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties)] and the wider public interest.

PUBLIC SECTOR EQUALITY DUTY

In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

DUTY TO COOPERATE

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service and, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance the application was considered to be contrary to the development plan and the scale of amendments required is such that a new application would be required.

RECOMMENDATION

Taking the above into account I recommend that the application should be refused for the reasons set out below.

REASONS

The proposed building, by reason of its scale and design, would not be subordinate to the main dwelling and would have the appearance of a separate dwelling in its own right. It would be an excessively prominent and intrusive feature within the street scene and wider rural landscape in a manner harmful to the character and amenity value of the countryside and the designated Area of Outstanding Natural Beauty. The proposal is therefore contrary to saved policies SD1, BE1, BE8 and CO1 of the adopted Shepway Local Plan Review, and emerging policies HB1, HB8, and NE3 of the Places and Policies Local Plan (February 2018 Submission Draft).

INFORMATIVES

This application has been considered on the basis of drawings 5757-04, 5757-06B, 5757-07A, 5757-08C, and 5757-09.

Case Officer: Ross McCardle

Report and draft decision notice completed and passed to senior officer.

Name: Ross McCardle Position: Principal Planner Date: 06.05.20

Report and draft decision notice agreed and passed to admin to issue decision.

Name: D Campbell Position: DM Team Leader Date: 06.05.20

Recommended Refusal Reasons (1)

1

The proposed building, by reason of its scale and design, would not be subordinate to the main dwelling and would have the appearance of a separate dwelling in its own right. It would be an excessively prominent and intrusive feature within the street scene and wider rural landscape in a manner harmful to the character and amenity value of the countryside and the designated Area of Outstanding Natural Beauty. The proposal is therefore contrary to saved policies SD1, BE1, BE8 and CO1 of the adopted Shepway Local Plan Review, and emerging policies HB1, HB8, and NE3 of the Places and Policies Local Plan (February 2018 Submission Draft).

Suggested Informatives (1)

1

This application has been considered on the basis of drawings 5757-04, 5757-06B, 5757-07A, 5757-08C, and 5757-09.