

Officer Report

Application No.	23/0415/FH
Site Address	Marsh House, Newchurch, Romney Marsh TN29 0EB
Officer Name	Emma Forde
Proposal	Erection of detached annex and removal of ancillary residential buildings (former stable, poultry building and greenhouse)

Recommendation

Report Number	RD-434025
Recommended Decision	Recommended to be Approve with Conditions
Recommendation Date	20 March 2024

Report

Site

The application site comprises the land opposite Marsh House and is located in the village of Newchurch on Romney Marsh, the site sits outside of the defined settlement boundary. It is accessed via Mill Lane which leads to a small group of properties in different ownerships and built at various times. The Marsh House itself comprises converted traditional farm barns, which are of stone, brick and timber construction.

A stone walled courtyard forms the frontage of Marsh House, and the site in question is located opposite this separated physically by the presence of the access drive in between. The driveway serving the main dwelling is located in this area across the lane from the main dwelling. Existing buildings within the site comprise a former stable and poultry building, which have been used for ancillary domestic storage, a greenhouse set against a large wall, and a wired chicken run.

Mill Lane is a short, narrow cul-de-sac Lane which extends for about 250 m south east from the centre of Newchurch village, at first running alongside a drainage Dyke, there are five houses positioned between the Lane and the drainage dyke, the last of these appearing to be a former mill converted into a house. Marsh House itself is one of these houses located on the north-east side of Mill Lane.

Immediately adjacent, on the next plot to the south-east is another building, this a detached studio of 1 ½ stories with a lead-coloured roof covering.

The existing shed/wood store/chicken run on the site is positioned beside the south-eastern boundary of the plot, about 40 m distant from the road. This is a ramshackle collection of sheds and a netted enclosure. Immediately beyond this there is a belt of hazel and beech trees screening the area from wider views from the west.

Proposal

Full planning permission is sought for the removal of existing development on the site and the replacement with a one and a half story annex located in proximity to the southeast boarder of the site. The proposed annex would include two bathrooms, a kitchen/living/dining space, an entrance porch, and one bedroom to facilitate accommodating the applicant's elderly family who currently reside in the main dwelling at Marsh House.

An amended design has been submitted which has removed the flat roof element of the original design and is more in keeping with the existing neighbouring annex to the southeast of the site. The proposed annex would measure approximately 5.3 metres in height, 6 metres in width, and 11.3 metres in length and would comprise a pitched roof. The main element of the development would comprise a pitched roof. There would also be a single storey element to the northeast which would comprise a pitched roof with a ridge height of approximately 3.8 metres. This would measure approximately 2.1 x 4.1 metres and would host a shower/utility room.

The single storey element to the northwest of the building would form an entrance porch and would comprise a monopitched roof with a ridge height of approximately 3.3 metres. This element would measure approximately 1.2 metres in depth and 2.5 metres in height. The first-floor fenestration would include 1 window to the southwest elevation and 5 side roof lights. Finishing materials would include timber cladding, and grey aluminium doors. The annex would have a footprint of approximately 55 square metres and a floorspace of approximately 79 square metres. The proposed would be sited parallel to the existing neighbouring annex at Mill House, with a separation distance of approximately 2 metres from the site boundary, and approximately 3.3 metres from the neighbouring annex. The southwest/rear elevation of the proposed annex would be flush with that of the neighbouring annex. Likewise, the northeast/principal elevation of the two-storey element of proposed annex would be flush with that of the neighbouring annex, however the single-story element on this elevation would project a further 2.1 metres beyond the principal elevation of the neighbouring annex. The development would be set back approximately 13.8 metres from the lane and would be accessed by the existing driveway area on the site and a proposed pedestrian gravel path. A patio is also proposed to the northwest and southwest of the annex.

CONSULTATIONS

Ecology: No objections subject to conditions if approved.

Romney Marsh Internal Drainage Board: No comment received.

Environment Agency: No objection subject to condition if approved.

Natural England: No comment received.

Archaeology: No objections.

Heritage Officer: Recommends that amendments are made to make to proposal more acceptable.

Newchurch Parish Council: No comment received.

REPRESENTATIONS

4 neighbours have been directly consulted. 6no. letters of objection, 3no. letters of support, and 1no. letter neither supporting or objecting to the proposal have been received. The points raised in these have been summarised below:

Objections

- Sets a precedent for free standing residential development along the lane and for development outside of the settlement boundary of Newchurch Village

- Overlooking
- Potential pressures on traffic and services
- It will impact the rural nature and character of the area
- Dependency from the main dwelling
- The proposed building would be larger than buildings it is replacing
- Previous annexe on the street was refused
- An attached annexe would likely be viable
- This would be a new home for a separate family which would not be dependent on Marsh House

- Loss of views
- The scale and appearance of the proposed annexe is not sympathetic and modest in proportion to the main dwelling and site
- The proposal would destroy the rural character and appearance of the well-defined collection of original farm buildings
- Additional noise and light pollution
- Loss of privacy

Support

- Would aid in supporting the applicant's family
- The proposal has been designed to be sustainable and contribute towards nature conservation, and the applicants are working to ecologically enhance their land
- Intergenerational living
- Welfare of the children residing in the main dwelling
- Other dwellings along the lane would not have sufficient land for building separate dwellings
- The design would not affect residential amenity
- Approved studio at Mill House is larger than the proposed
- There would be no additional residents on mill lane
- The proposal has been based off the existing neighbouring annex

Neither support or object

- The proposal could set a precedent for dwellings on that side of Mill Lane
- Mill Lane could not support increased levels of traffic

RELEVANT POLICY

Places and Policies Local Plan 2020

Policy HB1 'Quality Places Through Design'

Policy HB2 'Cohesive Design'

Policy HB3 'Internal and External Space Standards'

Policy HB8 'Alterations and Extensions to Buildings'

Policy HB9 'Annexe Accommodation'

Policy HB10 'Development of Residential Gardens'

Policy T2 'Parking Standards'

Policy NE2 'Biodiversity'

Policy NE3 'Protecting the District's Landscapes and Countryside'

Policy NE7 'Contaminated Land'

Policy NE8 'Integrated Coastal Zone Management'

Policy NE9 'Development Around the Coast'

Policy CC2 'Sustainable Design and Construction'

Policy HE2 'Archaeology'

Core Strategy Review (2022)

Policy SS1 'District Spatial Strategy'

Policy SS2 'Housing and the Economy Growth Strategy'

Policy CSD2 'District Residential Needs'

Policy CSD3 'Rural and Tourism Development'

National Planning Policy Framework (NPPF)

Supplementary Planning Documents

Kent Design

Appraisal

Principle

The proposal would provide accommodation for the applicant's elderly parents who are currently living with them in the main dwelling on the site.

Policy HB9 of the Places and Policies Local Plan relates specifically to annexe accommodation, it states that detached annexes will be permitted where there is a demonstrated reason why they cannot be attached, no material harm to neighbours and the scale and appearance of the proposed annexe is sympathetic and modest in proportion to the main dwelling. They should also have a clear dependency in terms of siting and function and a clear ancillary use and scale, supporting evidence should also be submitted to justify the need for annexe accommodation. Where an annexe is proposed outside of a settlement boundary it should avoid having an adverse impact on the quality and character of the landscape or rural setting.

The points regarding design, appearance, impacts on the landscape and rural setting, and residential amenity will be discussed in the below sections.

The proposed dwelling would be located on the opposite side of Mill Lane from the main dwelling. The annex would comprise a bedroom, kitchen/living/dining area, and two bathrooms. The proposed annex, therefore, would not be physically reliant on the main dwelling as it contains all facilities for an independent dwelling.

The proposal site is not within a settlement boundary, and therefore this is not a location where new dwellings are normally approved. The removal of existing buildings and structures on the site is not sufficient to justify a detached annexe within the countryside which includes all of the facilities to function as a self-contained dwelling. Therefore, in its own right the building could be used as an independent dwelling in a location where planning policies would not support such a proposal. The applicant has therefore provided the Council with a unilateral undertaking, which stipulates that the development will only be used as ancillary accommodation. This is considered to be acceptable and has overcome initial concerns. It should also be noted that a similar building has been erected on the neighbouring land and as such the proposal would not represent an isolated form of development on this side of the road. There are therefore no objections on these grounds and the proposal is considered acceptable in principle subject to it being acceptable in regard to design, appearance, impacts on the landscape and rural setting, and residential amenity.

Design and visual appearance

Under policy HB1 proposals should represent positive contributions to the wider character of an area while being reflective of the form and scale of the existing dwelling. HB8 builds on this and highlights that extensions and alterations should be reflective of the materials, roofline and proportions of the original building. Particular attention should be paid to avoiding detrimental impacts on either the street scene or the residential amenity of neighbouring properties.

The annex would be a one-and-a-half storey building with a smaller, single-story element projecting from the principal elevation. The proposal would utilise the land on the opposite side of Mill Lane and would replace various existing outbuildings. The addition of this domestic style building to this side of the road by itself in the countryside may have resulted in harm however, it is noted that planning permission has been granted for a detached annex of a similar nature and design under Y17/0291/SH. This proposed annex would sit adjacent to the approved (existing) annex, on the opposite side of the road from the main dwellings. The proposed annex would be approximately 0.3 metres taller in height than the existing neighbouring annex, and it has been designed in a similar style to appear in keeping. Therefore, it is not considered to significantly heighten the harm above the existing, and would be in keeping with the development on this side of the lane.

The Heritage Officer commented on the originally submitted plans stating that that if this were to be acceptable, further negotiations with the applicant over the design and materials of the proposed building would be required with the aim of achieving a more traditional appearance. Their suggestions included the inclusion of a pitched slated roof, black stained feathered edge barding for the cladding, painted windows, avoiding the asymmetric window design of the current proposal, and including minimal detailing in the design. Revised plans were submitted and the amendments have resulted in the removal of the flat roof, and the design and scale of the proposed annex reflecting the existing neighbouring annex, and therefore appearing more appropriate within its context. It is considered that this design creates a more cohesive appearance and that the amended plans have overcome the previous concerns.

The rear of the site borders open fields which give views of the surrounding countryside. The site includes some mature foliage and trees to the southwest of the proposed annex which would obscure views of the annex from the surrounding countryside. It is therefore considered that the proposed outbuilding would not be highly visible from the surrounding countryside. Given this, and that the proposal would be viewed alongside the existing neighbouring annex, the proposed development is not considered to result in harm to the landscape character of the surrounding countryside.

Amenities of neighbouring occupiers

The adjoining annex does not have windows on the elevation closest to the proposal, and the two-storey element of the proposal would not project beyond the front or rear elevations of the existing annex.

While the single storey element would project beyond the principal elevation of the neighbouring annex, there is only 1 window on the ground floor of the neighbouring annex's principal elevation. This window would be over 5 metres from the side elevation of the proposal, and views would be obscured by the existing boundary treatment. As a result of this, and the siting of the proposed annex, the proposed single storey projection on the principal elevation is not considered to result in any significant overlooking, overbearing or overshadowing impacts on the existing annex.

With the exception of the neighbouring annex, the proposal would have no other direct neighbours. Given the separation distances from neighbouring properties in the area, the proposal is not considered to result in harm to the residential amenity of neighbouring properties.

If approved a condition will be issued for the removal of permitted development rights to prevent harm to the amenity of neighbouring occupiers.

Parking and highways

The proposal would result in 1 additional bedroom on the site and proposes to increase the existing parking area to provide parking for both the main dwelling and the annex. The number of occupants on the site will not increase as the annex is proposed for the applicant's mother and her partner who currently reside in the main dwelling. Therefore, there is not considered to be an increase in the parking requirements or the intensification of use in this regard.

The proposal would result in a widening of the existing access and increase in parking for the site. As a result, the proposal is considered acceptable in regard to parking and highway safety.

Flood Risk

The site lies in flood zones 2 and 3 as stated above. The submitted Flood Risk Assessment demonstrates that the proposed benefits from existing defence infrastructure which will continue to protect the site under design event conditions, even when an allowance for climate change is taken into consideration. It is only in the unlikely event that the infrastructure was to fail that the site is shown to be affected by flooding, with depths predicted to reach a maximum depth of 0.54m. However as the proposal is for an annex which is a subservient addition to the main dwelling, and cannot be sold as a separate dwelling (as per the Unilateral Undertaking), it is not considered that a Sequential Test is not required on this occasion.

As a precautionary approach, the FRA includes mitigation measures for the development including flood resistance and resilience measures on the ground floor of the development, residents should sign up to the EA's Flood Warning System, and SuDS should be included within the development where possible. It is also noted that sleeping accommodation is located on the first floor of the annex.

The Environment Agency have no objections; however they state that that the proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk subject to a condition requiring the development to be carried out in accordance with the submitted FRA and the mitigation measures included in this. This can be secured by condition.

Archaeology

The site lies within an area of archaeological potential related to the historic farmstead on Mill Lane of which Marsh House is a component. However, given the small scale nature of the proposals, it is unlikely that these proposals would have a significant below-ground archaeological impact. The Archaeology Officer has no objections to the proposal.

Ecology

The application has detailed that there is potential for breeding birds, reptiles and foraging/commuting bats but any impacts can be avoided through a precautionary mitigation approach. The application has detailed that in the long term it is possible that Great Crested Newts may be present within the site as recent pond creation/enhancement has been implemented within the wider area. The report has detailed that if the works are carried out in the next two years it is unlikely that works will negatively impact any great crested newts but has also made recommendations for precautionary mitigation to be implemented during construction work to further minimise that risk.

The KCC Ecology Officer has reviewed the application and has no objection to subject to conditions regarding the precautionary ecological mitigation works within the Preliminary Ecological Appraisal, lighting at the site, and the submission of a ecological enhancement plan. Additional information to address these issues has been provided during the course of the application which has in turn been assessed by KCC who have raised no objections. It is considered that the proposal would have no impact on the ecology of the area or on protected species. There are therefore no objections on these grounds.

Environmental Impact Assessment

In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

Local finance considerations

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 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 £ 62.94 per square metre for new residential floor space with the exception of affordable / self-build housing units which are exempt.

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.

RECOMMENDATION

In light of the above, it is considered that planning permission should be granted subject to conditions and the now completed unilateral undertaking.

Recommended Conditions (10)

1

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

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

2

The development hereby permitted shall not be carried out except in complete accordance with the following approved drawings and documents:

1990 DO1 Rev 2 (Location Plan and Existing Site Plan) as received by the Local Planning Authority on the 21st March 2023

1990 DO3 Rev 9 (Proposed Floor Plans and Elevations) as received by the Local Planning Authority on the 18th of January 2024

1990 DO4 Rev 7 (Proposed Site Plan) as received by the Local Planning Authority on the 18th of January 2024

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of Places and

Policies Local Plan

3

The development hereby approved shall be carried out in accordance with the details of materials as specified in the document entitled 'Marsh House Annexe products and Materials List March 2024', unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

4

The development as shown on the approved drawings listed under Condition 2 above, shall be for use only for purposes ancillary to the enjoyment of the main dwelling house at Mill House, Newchurch, Romney Marsh TN29 0EB and it shall at no time be converted, occupied or sold as separate dwellings or self-contained units.

Reason: To ensure that the development remains ancillary to the main house and does not prejudice the character of the area.

5

Prior to construction works commencing, the precautionary mitigation for breeding birds, Great Crested Newts and reptiles set out within the Preliminary Ecological Appraisal (KB Ecology; March 2023) shall be implemented as detailed and remain in place during construction. If works have not commenced by the end of 2025 a review and, if necessary, updated of the ecological mitigation shall be carried out and submitted to the Local Planning Authority for written approval.

Reason: In the interest of enhancing ecology and biodiversity.

6

Prior to occupation of the annex hereby permitted the ecological enhancements set out within the Ecological Enhancement Plan (March 2024) shall be implemented in full and as detailed.

Reason: To enhance Biodiversity on site.

7

Prior to occupation, a lighting plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will show the type and locations of external lighting, the types of lights, as well as the expected light spill in lux levels, to demonstrate that areas to be lit will not adversely impact on existing and proposed areas of landscaping and habitat features/enhancements. The plan should include information demonstrating that it has followed the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' (or subsequent updates) All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

Reason: In the interest of preventing harm to ecology and biodiversity.

7

Prior to occupation of the annex hereby permitted the lighting details set out within the document entitled 'Lighting Plan to address Guidance Note GN08/23 Bats and Artificial Lighting At Night' (March 2024) shall be implemented in full and as detailed.

Reason: To safeguard protected species on site.

8

The development shall be carried out in accordance with the submitted Flood Risk Assessment (Herrington Consulting May 2023) and the mitigation measures included in Section 8 Conclusions and Recommendations. These mitigation measures shall be fully implemented prior to occupation and shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

9

No further development permitted by Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order), shall be carried out on the development hereby approved.

Reason: In the interests of the amenities of the area.

Suggested Informatives (1)

1

This planning permission is subject to a legal agreement.