

Trottscliffe **563846 160431** **19.09.2005** **TM/05/02704/FL**
Downs

Proposal: Pool house in rear garden
Location: White Clouds Taylors Lane Trottscliffe West Malling Kent
 ME19 5ES
Applicant: Mr D Fincham

1. Description:

1.1 The application seeks planning approval for the erection of an outbuilding containing a pool, gym, bar, sauna and changing room along with a plant room. The plans also show a sunken garden area (which can be created under permitted development rights).

2. The Site:

2.1 White Clouds is a detached residential property located on the east side of Taylors Lane on the edge of, but within the confines, of Trottscliffe. It is within an AONB and SLA and abuts the MGB. The property has been modernised recently with a new roof and hanging tiles, along with a modern rear extension allowed at appeal earlier this year (not yet implemented). Although the property is over fifty years old, it resembles a modern family dwelling.

3. Planning History:

- 3.1 TM/04/01197/FL Refused 23.06.2004; Appeal Allowed 11.04.2005
Demolition of existing conservatory and erection of new rear extension and garage.
- 3.2 TM/00/02408/FL Approved 28.11.2000
Porch, two-storey extension, carport and alterations to existing elevations.
- 3.3 TM/98/00205/FL Approved 30.03.1998
Retrospective application for rear conservatory.
- 3.4 TM/90/0573 Approved 01.06.1990
Single storey extension and alterations to form improved facilities.
- 3.5 TM/81/0648 Approved 17.06.1981
Extension and alterations.
- 3.6 MK/4/70/0189 Approved 10.06.1970
Addition of bathroom over garage and extension to garage.
- 3.7 MK4/55/0457 Approved 22.09.1955
Extension (bedroom).

- 3.8 MK4/55/018B Approved 20.01.1955
Addition of porch and study.
- 3.9 MK4/52/0241 Approved 07.08.1952
Erection of dwellinghouse with garage and access.

4. Consultees:

- 4.1 Trottiscliffe PC: Objection. The Parish Council is concerned about the impact in the AONB and Greenbelt because of the bulk and light pollution at night. There will also be a detrimental impact on views from the Downs. The proposed building is out of character with its surroundings in a rural village.
- 4.2 DHH: Awaiting comments.
- 4.3 Private Reps: (2/0X/0R/0S and Site Notice) No comments received at time of writing.

5. Determining Issues:

- 5.1 The site lies within the village confines where the principle of extension to a residential dwelling is acceptable in broad policy terms. The main issues in this particular case are the siting and design of the pool house and its potential impact on the AONB, adjacent MGB and residential amenity.
- 5.2 The plot is a reasonable size and could in my opinion accommodate the proposal without resulting in over development of the site. A large area of garden would remain between the main dwellinghouse and the proposed pool house.
- 5.3 The pool house is sited at the far rear of the garden, approximately 30m (164ft) from the main house and the adjoining property. As a result of this distance and the fact that there are no windows in the south east elevation of the building, I do not consider that there would be a detrimental impact to the privacy of the neighbouring property Chiltern Downs.
- 5.4 The height of the proposed outbuilding ranges from 3.3m to 4.2m across the north-east elevation (not including the glazed rooflight) which abuts the rear boundary of the site. The south-east elevation follows the boundary of the site with Chiltern Downs. This elevation would be 4.2m in height along the whole of this boundary. I do not consider that the south-east elevation would result in a loss of light to that particular garden area of Chiltern Downs due to the orientation of the outbuilding and the patterns of sunlight. Even if it were considered that the proposal would cause a loss of light to this part of the neighbouring garden, other areas exist within the curtilage of Chiltern Downs for enjoyment by the occupants of that property.

- 5.5 The design of the pool house reflects the design of the extension approved on appeal earlier this year. While this extension has not yet been implemented, it is an extant permission and is a material consideration. The Inspector took a view within his appeal decision that a striking design is not a sound reason to reject a proposal and in his consideration of the extension, stated that the differences in styles would not result in harm to the visual amenity of the area;

'The design is quite striking, with significant use of glazing, timber cladding and flat roofs, but that in itself is not a sound reason to reject the proposal. Whereas the appearance and materials would contrast with the more traditional form of the house, I do not consider that the differences would result in such a clash of styles that the visual amenity of the area would be significantly harmed.'

In light of this view, I do not consider that the Council can argue in this instance that the striking design of the proposed pool house would be harmful to the visual amenity of the area.

- 5.6 The Inspector did not consider that the site was in a sensitive location, he took a view that there was good shrub and tree growth to the rear of the garden and that the site is a sufficient distance from the public vantage points along the Kent Downs public footpath. *'The appeal site may be on the edge of a small village, but I do not consider that the location is sensitive.'* In turn, he did not consider that the landscape of the AONB or SLA would be adversely affected by the extension. The Inspector does not mention the MGB within his appeal decision.
- 5.7 This current proposal must be considered in the context of the Inspector's decision. The proposed pool house is only 30m to the north-east of the main dwellinghouse (with the approved extension) and within the same site location as the previous application. As such I would take the same view as the Inspector that the proposal would be suitably screened from the AONB and SLA and is a sufficient distance from the Kent Downs public footpath not to cause harm to the landscape of the AONB and SLA.
- 5.8 The property is within the village confines and not the defined limits of the MGB. The proposal does not make any significant impact on the openness of the MGB.
- 5.9 I note the PC's comments regarding potential light pollution, however, the applicant could install lighting within the garden area without the need for planning approval. In any event, the site will be viewed within the context of the village where there are existing illuminations, including street lighting to serve the village's traffic calming measures. I therefore do not consider that the proposal would result in significant light pollution to an extent whereby it would be contrary to policy P3/18 of the TMBLP 1998.
- 5.10 There are no highways implications as a result of this proposal.

6. Recommendation:

6.1 **Grant Planning Permission**, as detailed in letter dated 16.09.2005, letter and design statement date stamped 06.09.2005, and drawing number 05/1300/01, subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (Z013)

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2 All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority. (D003)

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

3 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the south-east elevation of the building, without the prior written consent of the Local Planning Authority. (D013*)

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

4 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. (L003)

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

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