
Trottscliffe Downs	563846 160431	19.09.2005	TM/05/02704/FL
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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 Members will recall this application was deferred from the meeting of 7th December 2005. A copy of my previous report and supplementary report is attached at Annex 2.
- 1.2 Members were minded to refuse Planning Permission on the grounds of the proposal having an unacceptable bulk and unsympathetic design, overintensive development of the site, and unacceptable impact on the AONB, SLA and MGB. In the circumstances it was necessary to defer consideration pending the receipt of confidential advice from the Chief Solicitor. This appears in a report in Part 2 of this Agenda.
- 1.3 For clarification the height of the proposed structure varies across its siting due to the lay of the land. When looking at the northeast elevation (rear), the height ranges from 3.3m to 4.2m, the southwest (front) elevation between 3.5m and 4.5m. The southeast elevation has a height of 4.5m with the northwest being 3.6m. All height measurements exclude the glazed roof light.

2. The Site:

- 2.1 This is as set out in the previous report with the following measurements added for clarification.
- 2.2 The full length of the plot (from southwest to northeast) is approx. 88m (288ft). The distance from the existing rear elevation (not including the existing conservatory) to the rear boundary is approx 61m (200ft).

3. Planning History:

- 3.1 This is as the previous report.

4. Consultees:

- 4.1 The responses of the consultees to this application are detailed in the previous report and supplementary report.

5. Determining Issues:

- 5.1 The principal determining issues are set out in the previous report.

- 5.2 In addition, there are a number of points to address following concerns raised by Members at December's Committee meeting.
- 5.3 The site is located within the built confines of Trottiscliffe and although the site is on the boundary with the MGB it is not with it. Nevertheless, development adjacent to the defined MGB must consider the visual impact of that proposal on the openness of the MGB. It is my opinion that the development, although in close proximity to the MGB could not be considered to have a detrimental impact on its openness. This view is based on the location of the site, existing screening and the lack of public views into the site. The site is visible from the top of the Downs, however the distances between these viewpoints and the site are immense and the site would not in my opinion stand out as it is viewed in the context of the village as a back drop. The site is not visible from the public right of way which runs north-south to the rear of the development due to mature field boundaries. There are limited views into the site from Taylors Lane due to the raised bank and mature screening. The same argument applies, in my opinion, when assessing the impact upon the AONB and SLA.
- 5.4 One of the concerns of Members was the distance of the proposed development from the house. For clarification, the distance between the rear elevation of the approved extension (TM/04/01197/FL) and the nearest point of the proposed pool house is approx 32m (104ft). Within the approved extension there is a hard landscaping scheme showing decking and a pond projecting 5.4m from the rear elevation. This reduces the perceived distance between the built form of the house (as approved) and the proposed pool house to 26.6m (82ft). If the proposal were resited nearer to the house there is potential for residential amenity impacts for the neighbours with regards to light and privacy because not only would it be closer, but on higher land, due to the way the garden slopes. The proposed distance, in my view, helps to dissipate the impact of added bulk within the site as there would be a clear definition between the main dwellinghouse and the pool house.
- 5.5 With regards to the concern about overintensive development, I do not consider that the proposed development would result in a negative impact on the functioning of the plot. A substantial rear garden area would remain for the amenity of the occupants and there is a large area of space to the front of the property. In order for there to be unacceptable levels of overdevelopment, it would be necessary to show that the site was unduly cramped with limited amenity space. I do therefore not consider this argument could be applied to this case.
- 5.6 The issue of design was raised by Members at the previous Committee meeting. It is clear from the previous report that in the context of the previous application on this site the Inspector maintained that refusal simply on the basis of a striking design was not tenable. As the proposed development has been designed to complement the approved extension and mirrors its detailing, I do not consider the design to have an unacceptable impact on visual amenity. The materials proposed are rural in origin and attempt to assist the integration of the proposal within its

setting. Although the materials proposed are identified on the plans I would recommend details to be submitted for approval by the LPA to ensure suitable materials are used.

5.7 The proposal would result in the loss of a number of fruit and ornamental trees and a Goat Willow along with a Walnut Tree. The Walnut Tree is the only specimen of any merit or amenity value. However it is not considered to be of high amenity value and therefore does not in my opinion warrant preservation. The Inspector, within his appeal decision, refers to good shrub and tree growth to the rear of the garden. He does not specify whether he is referring to the trees outlined above which are within the garden or the significant screening from the field boundaries to the rear. It is my opinion that the field boundaries, even in the winter months, would screen the development from the wider views and from the public right of way to the rear. A landscaping condition has been attached to the recommendation to ensure that an appropriate scheme is implemented. As the applicants own the field to the north which extends north eastwards beyond the rear garden boundary, landscaping can be conditioned for this area which would ensure that a significant scheme is in place.

5.8 My recommendation which remains largely unchanged as per the previous report and supplementary report, is set out below and is updated where appropriate.

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.

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

2 No development shall take place until details and samples of all materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details. (D001)

Reason: To ensure that the development does not harm the character and appearance of the existing building or the 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 other than as hereby approved, without the prior written consent of the Local Planning Authority.

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.

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.

Informative:

- 1 The applicant is advised that the Council would expect any landscaping scheme submitted pursuant to condition 4 above to provide a substantial group of indigenous trees in the field located immediately north of the site in order to compensate appropriately for loss of trees from the garden and to assist in screening the proposed building from long distance views.

Contact: Lucy Stainton