

**Aylesford**                      **574600 161013**                      **19.04.2005**                      **TM/05/01242/FL**  
Blue Bell Hill And  
Walderslade

Proposal:                      Change of use of land to garden  
Location:                      The Anchor 87 Queenswood Road Aylesford Kent ME20 7EX  
Applicant:                      T Martin

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**1. Description:**

1.1 This is a retrospective application for the change of use of land to extend a residential garden. The development extends the existing garden by approximately 70m by 47m to the south of the existing dwelling and detached garage.

**2. The Site:**

2.1 The application site lies within the AONB, a SLA the Strategic Gap and also within the Kits Coty policy area. The site lies to the southeast of the junction of Collingwood Road and Queenswood Road. The land within the site falls away to the south and includes a number of mature trees, whilst a large part of the extended garden has been laid to lawn, and also includes a summerhouse in the southeast corner of the site. To the west of the site lies a small woodland, whilst beyond lie a number of residential properties. To the east of the site lies Kits Coty Cottage and agricultural fields lie to the south.

**3. Planning History:**

3.1 None relevant to this application.

**4. Consultees:**

4.1 PC: No response.

4.2 AONB Office: No response.

4.3 Private Reps: 7/0X/0S/0R.

4.4 A8 Site Notice & Press Notice: No response to date, consultation period expires on the 27 May 2005.

**5. Determining Issues:**

5.1 The main issues to be considered are whether this development is appropriate to this rural area and whether it harms the visual amenity of the locality.

- 5.2 The site lies within a rural area and is subject to Policy RS5 of the KSP 1996, which sets out potentially acceptable forms of development within the countryside. The extension of residential gardens does not fall within any of the categories of potentially acceptable development. The site-specific Kits Coty policy P6/6 is not relevant in these circumstances given the nature of this development. Therefore, this development is a Departure from the Development Plan.
- 5.3 Whilst it is acknowledged that this is a Departure from the Development Plan, the extension of a residential garden in a rural area is not necessarily unacceptably harmful in certain circumstances. There are a number of occasions when extensions to residential gardens have been previously justified. The key points to examine are whether the enlargement is a natural extension to the garden, whether it is comparable to the size of the existing property and other neighbouring properties, and whether it will harm the visual amenity of the locality, particularly (in this location) the wider landscape character, given that it lies within an AONB and SLA.
- 5.4 The garden (as extended) extends to the south to almost the same physical line as the garden area of Kits Coty Cottage, which lies immediately to the east. The boundary line also matches the rear boundary line of the residential properties in Collingwood Road to the west of the adjacent woodland. In this respect, the development follows natural and existing boundaries and does not create a residential garden which juts out into an agricultural field.
- 5.5 The garden extension is significantly greater in size than the existing garden serving The Anchor. The Kits Coty Estate has a whole range of residential plots with varying garden sizes, but no uniform size. However, the garden extension is now more comparable in terms of size to the immediate neighbours, albeit slightly larger.
- 5.6 In visual terms the development does not harm the visual amenity of the locality, as the garden extension is not in a prominent position and retains an extensive tree buffer to the south, as well as retaining a number of standard trees within the extended garden area. In terms of the impact of the AONB and SLA, the change of use to residential garden is not significantly harmful to the landscape character of the area. In particular, the garden extension does not project or jut out onto agricultural land, but follows the same boundary enclosure lines of nearby residential properties. This development has not detrimentally affected the visual amenity of the locality.
- 5.7 In light of the above circumstances, I am satisfied that this development is not harmful to the locality, therefore I support this proposal. Whilst this is a departure from the Development Plan, I do not consider that it is of sufficient strategic impact to warrant notification to the SOS.

**6. Recommendation:**

**6.1 Grant Planning Permission under Section 73A** as detailed by drawings received on the 9 April 2005 subject to:

- No previously uncanvassed issues arising as a result of outstanding consultations (acceptance delegated to DPT).
- The following conditions:

- 1 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes E & F of Part 1 and Class A of Part 2 of Schedule 2 of that Order, nor shall the erection of freestanding domestic equipment take place, save with the express written permission of the Local Planning Authority.

Reason: In order that the Local Planning Authority can regulate and control any development in the interests of rural amenity.

Contact: Aaron Hill