

**Aylesford**  
Aylesford South

**11 October 2017**

**TM/17/02838/FL**

Proposal:                      Erection of an outbuilding within the garden to be used as a residential annex and erection of a new section of front fence 2m high  
Location:                      1 Russett Close Aylesford Kent ME20 7PL  
Applicant:                     Mrs K Kerner  
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**1. Description:**

- 1.1 It is proposed to install an outbuilding within the curtilage of the main dwellinghouse, to be used as a residential annex. The outbuilding would be sited within the garden area to the south of number 1 and would be used for ancillary residential accommodation for a family member.
- 1.2 The outbuilding would incorporate a living/bedroom area with kitchenette and easy access bathroom. Access to the unit would be via the main house and existing side entrance gate. The outside amenity space would be shared with the occupants of the main house.
- 1.3 In association with the proposed development a small section of new fencing would be erected along the front boundary of the southern part of the site in order to enclose a small area of land. The fence would be 2m in height and of the same design as the existing fencing. The submitted information indicates that some new shrub planting would take place adjacent to the outside of the fence.

**2. Reason for reporting to Committee:**

- 2.1 At the request of Cllr Trevor Walker in order to consider whether the development would be out of keeping with the street scene and general character of the area.

**3. The Site:**

- 3.1 Russett Close is a residential cul de sac situated within the urban confines of Aylesford. To the east are the commercial premises within the South Aylesford Retail Park.
- 3.2 Number 1 is a detached two storey house situated on an irregularly shaped plot on the eastern side of the road. The eastern boundary of the plot is covered by an area Tree Preservation Order. The plot narrows towards the southern boundary and adjoins, but does not form part of the Medway Gap Conservation Area.

4. **Planning History (relevant):**

TM/91/10482/FUL Grant

9 April 1991

Details of 25 no detached dwellings with garages and creation of open space, roads etc.

5. **Consultees:**

5.1 PC: Objects. The proposal would be out of character with the street scene and the developer's original plan.

5.2 Private Reps: 26+site and press notice: 0X/16R/0S. Objections can be summarised as follows:

- Proposal is out of character with the area and would result in loss of visual amenities;
- Building is of an inappropriate type given proximity to Conservation Area;
- Impact on trees;
- Proposal would be overbearing and would result in over development of the site;
- Concern as to the possibility of the outbuilding becoming a separate unit in the future;
- Pressure on parking provision;
- Overlooking would take place towards adjacent properties.

5.3 A number of other objections have been raised concerning restrictive covenants, land ownership, council tax rates and precedents being set. These are not material considerations that can be taken into account in the determination of the planning application and as such they are not discussed within the assessment that follows.

6. **Determining Issues:**

Principle of development:

6.1 The application is considered in relation to TMBCS policies CP1 (sustainable development) and CP24 (achieving a high standard of development). Paragraphs 56, 57, 58, 60, 61 and 64 of the NPPF are relevant to the determination of the application. The main aim of these policies is to balance the need for the development against the need to protect and enhance the natural and built environment. The aim is to achieve a high standard of design whilst having regard to the residential amenities of the occupants of the area.

The site lies within the urban confines of Aylesford and forms part of an existing residential garden. The construction of a new building for residential purposes in association with the main house is therefore acceptable in principle. In terms of whether the proposal represents an overdevelopment of the site, I do acknowledge that the garden serving 1 Russett Close is not particularly large; however I consider that the building is proportionate to the size of the garden and, as such, would not be an overdevelopment of the site and would not appear cramped within the available space.

Visual impact and setting of Conservation Area:

- 6.2 Policy CP24 of the TMBCS requires that all development is of a high quality and respects its site and surroundings. In terms of the adjacent Conservation Area, paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (in this case the CA). Significance of such an asset can be harmed or lost through alteration of the asset or through development within its setting. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that there is a general duty when carrying out any functions under the Planning Acts with respect to any buildings or other land in a Conservation Area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 6.3 The Medway Gap Character Area Supplementary Planning Document identifies Russett Close as a 1990s development of two storey houses with an enclosed, quiet residential character and verdant setting.
- 6.4 The outbuilding is described as a studio design using natural and neutral colours of light oak and dark and light greys. It is stated that the studio building will be maintenance free for 25 years and will not fade. It is acknowledged that the outbuilding will have a fairly prominent position and will be partly visible above the boundary fence when entering Russett Close. However, it is important to recognise that just because the building will be seen does not automatically render it unacceptably harmful in visual terms.
- 6.5 The design of the building is considered to be acceptable in this location and would not have a detrimental impact on the visual amenities of the street scene or the general character of the Conservation Area to the south. Additional planting is proposed to take place adjacent to the fence to enhance the character and verdant setting of Russett Close and this can be adequately secured by planning condition.
- 6.6 For these reasons, the building is visually acceptable and would not cause harm to the appearance of the street scene or the setting of the Conservation Area.
- 6.7 Equally, the southern part of the garden of number 1 is currently enclosed by a panel fence with wavy edge trellis above. The realignment of the boundary fencing would not have a detrimental impact on the street scene when approaching

Russett Close or the setting of the adjoining Conservation Area. Additional planting along this fence line could be secured by planning condition.

Residential amenity:

- 6.8 The building is limited to a single storey and the windows in the western side of the outbuilding would be largely screened by the new fence and would not result in a loss of privacy for residents of the cul de sac. The proposal would not generate the need for additional parking spaces.
- 6.9 Similarly, the use of the building for purposes connected to the main dwellinghouse would mean that there would not be an increased level of activity or noise or disturbance arising from the building in a way that would cause harm to the residential area in this respect. As I have explained elsewhere within the report, planning conditions can be imposed which adequately ensure the use of the building remains incidental to the main dwellinghouse.

Highway safety and parking provision:

- 6.10 Sufficient parking spaces would remain at the site for the occupants in accordance with the adopted standards (KHS IGN3). The use of the building for purposes ancillary to the main dwellinghouse means that the development would not trigger a need for further parking to be provided within the site.

Permitted development:

- 6.11 In making the above assessment, I am also mindful of the fact that the existing dwelling benefits from the permitted development rights contained within Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. This effectively grants planning permission for outbuildings to be constructed within residential gardens subject to certain limitations and restrictions. The development proposed in this application only very marginally exceeds those limitations and an amended version of the development meeting those limitations could commence without any need for planning permission from the Council.

Conclusions:

- 6.12 In light of the above assessment, I consider that the proposed development is acceptable in all respects and meets the requirements of adopted policy, provided planning conditions are imposed restricting the use of the building. The following recommendation is therefore put forward:

**7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Location Plan Annexe dated 02.11.2017, Site Plan sewage dated 02.11.2017,

Other studio booths dated 02.11.2017, Other fence angle graphic dated 02.11.2017, Supporting Information dated 02.11.2017, Letter dated 10.10.2017, Letter dated 10.10.2017, Photographic Views 1 dated 10.10.2017, Photographic Views 2 dated 10.10.2017, Photographic Views 3 dated 10.10.2017, Photographic Views 4 dated 10.10.2017, Proposed Elevations Side dated 10.10.2017, Proposed Elevations Front dated 10.10.2017, Proposed Elevations Side dated 10.10.2017, Proposed Elevations Rear dated 10.10.2017, Proposed Floor Plans dated 10.10.2017, Location Plan dated 10.10.2017, Site Plan dated 10.10.2017, Block Plan dated 10.10.2017, Site Plan Fencing dated 10.10.2017, Site Plan Sewer dated 10.10.2017, Proposed Floor Plans dated 11.10.2017, Other plan key dated 11.10.2017, subject to the following conditions:

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

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

- 3 The building hereby permitted shall be occupied only in conjunction with the original dwellinghouse known as 1 Russett Close, Aylesford and shall not be used, let or sold at any time as a separate unit of living accommodation.

Reason: To safeguard the character and amenities of the locality.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no alterations to the building hereby approved shall be carried out within Class E; of Part 1; of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To safeguard the character and amenities of the locality.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising revoking and re-enacting that Order with or without modification), no new fences, gates, walls or other means of enclosure shall be erected other than as hereby approved.

Reason: To safeguard against the subdivision of the existing single residential curtilage that would facilitate independent occupation of the approved development as a separate unit of accommodation.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), no new hardstanding for vehicles shall be constructed on, nor means of vehicular access to the highway be formed, laid out or constructed within the site.

Reason: To safeguard the character and amenities of the locality.

- 7 Within one month of the commencement of the development hereby approved, a scheme of landscaping and boundary treatment shall be submitted to the Local Planning Authority for approval. 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. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: In the interests of visual amenity.

**Informative:**

1. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.

Contact: Hilary Johnson