

Application Number	17/00298/AS
Location	1 Hadman Cottages, Bell Lane, Smarden, Ashford, Kent, TN27 8PW
Grid Reference	86844/42772
Parish Council	Smarden
Ward	Weald North
Application Description	Retrospective application for a first floor extension to garage to form annexe for ancillary residential use
Applicant	Mr R Underdown, 1 Hadman Cottages, Bell Lane, Smarden, Ashford, Kent, TN27 8PW
Agent	N/A
Site Area	0.13ha

(a) 4/1S (b) Parish R (c) -

Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member, Councillor Dyer

Site and Surroundings

2. The application site is located on the south-east side of Bell Lane and lies to the rear of Hadman Cottages, a small terrace of four two-storey cottages. The site forms part of the curtilage of the end of terrace cottage at No. 1 Hadman Cottages and the curtilage wraps around the rear of the three other cottages in the terrace. The part of the curtilage to which the application relates lies to the rear of the cottage at the opposite end of the terrace at 4 Hadman Cottages. The site forms part of the open countryside to the west of the built confines of Smarden village. The terrace of four cottages is set within agricultural fields and is located within the Smarden Bell Farmlands Landscape Character Area.
3. A site location plan is attached at annex 1.

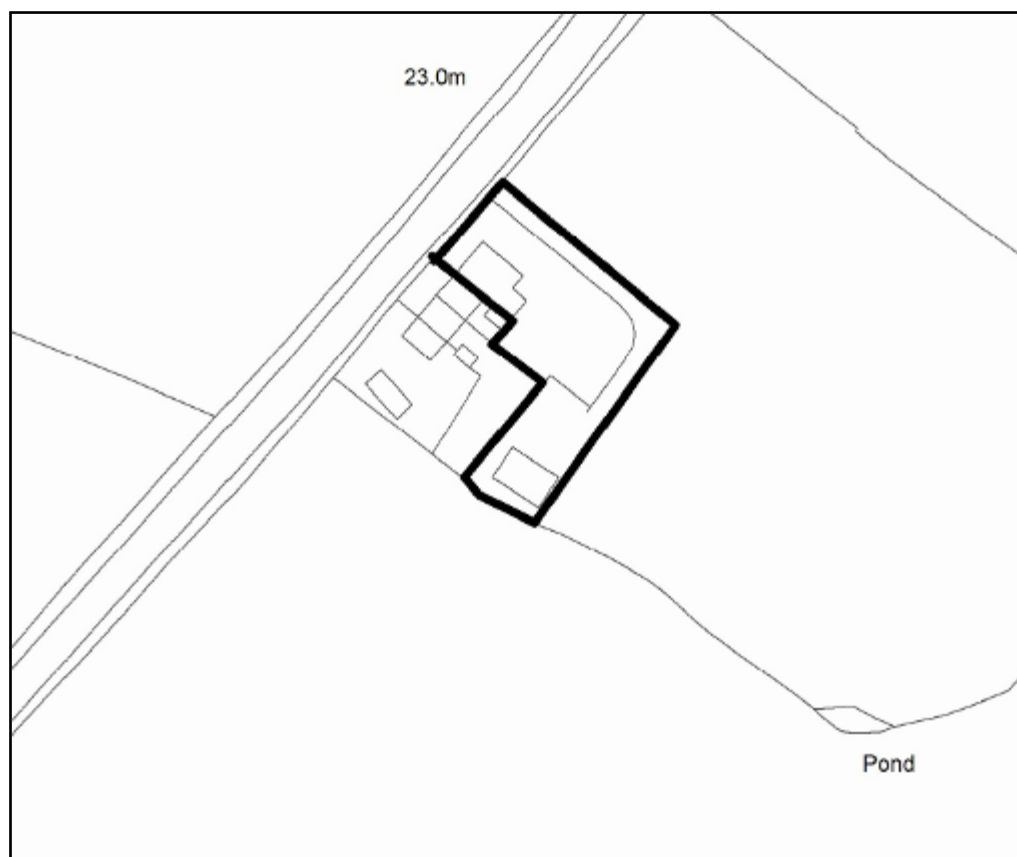


Figure 1 Site location plan

Proposal

4. The application seeks retrospective planning permission for a first floor mansard type roof extension which has been erected to a detached single-storey former garage/storage building located to the rear of the end of terrace cottage at 4 Hadman Cottages. The application building is separated from the cottage at 4 Hadman Cottages by part of the garden area to 3 Hadman Cottages which wraps around the rear of 4. The first floor extension incorporates a combined living/kitchen area, a bedroom, bathroom/wc and storeroom and is used/occupied as annexe accommodation to the existing end of terrace cottage at 1 Hadman Cottages. The annexe provides accommodation for the applicant's son and partner. The building has a dark stained timber weatherboard finish to the ground floor with a synthetic slate finish to the mansard type roof. The first floor annexe accommodation is accessed via an external staircase to the south-east facing end elevation of the building and the building has an overall height of 4.3m approx.

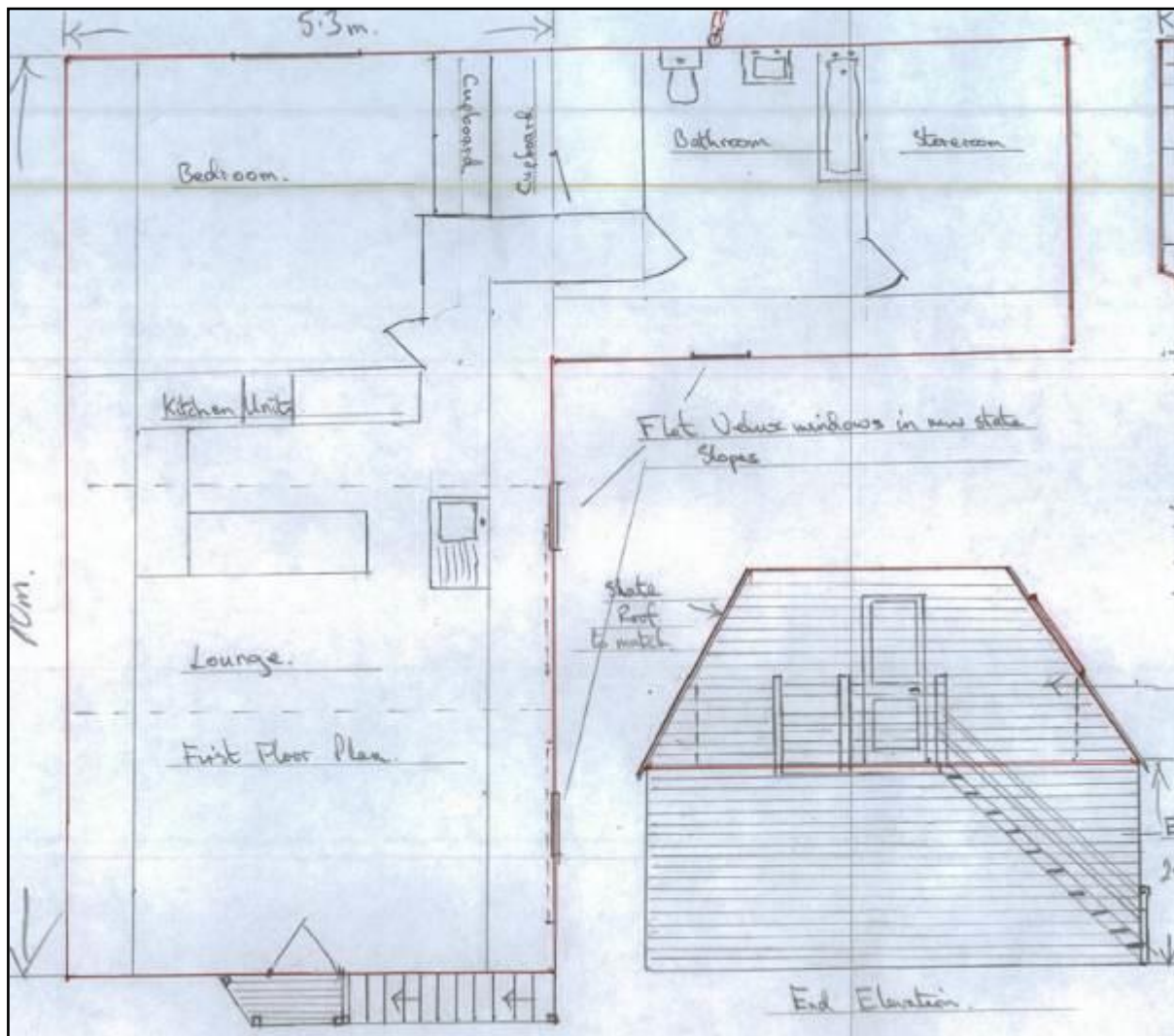


Figure 2 Floor plan and end elevation

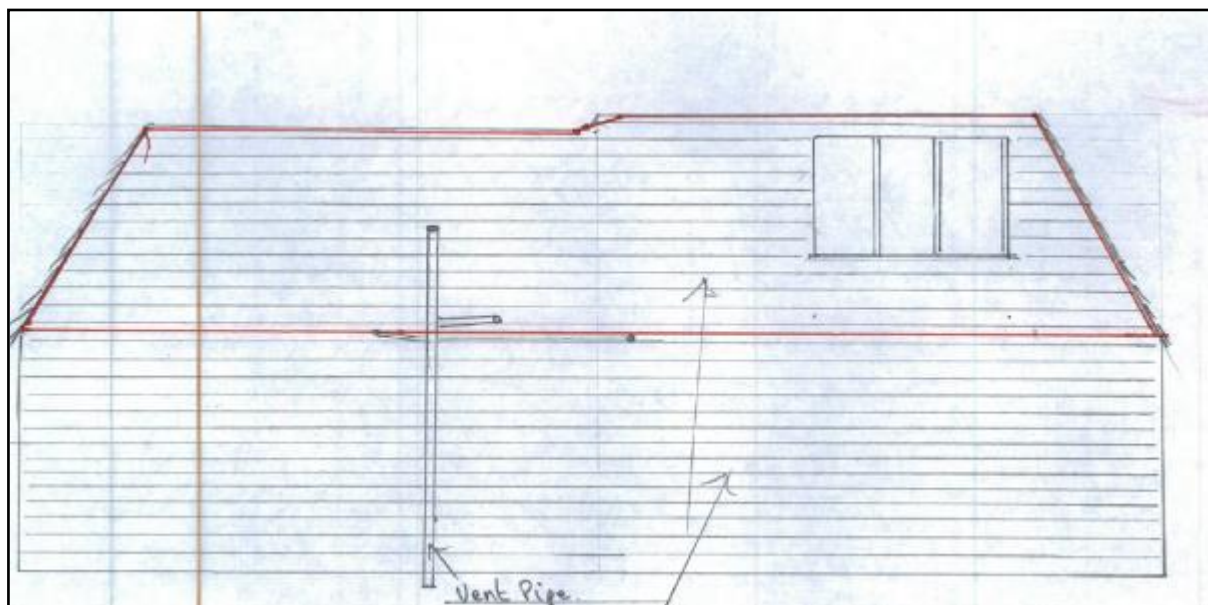


Figure 3 North west elevation



Figure 4 Site photograph

Planning History

- 92/00212/AS - Two-storey extension comprising of new kitchen and breakfast room with bedroom above. Approved 07.04.92.
- 80/01326 - Lounge/bedroom extension. Approved 06.11.80.
- 75/00775 - Construction of vehicular access and alteration of pedestrian access to numbers 1, 2 and 3. Approved 17.10.75.

Consultations

Ward Members: The Ward Member, Councillor Dyer, is not a member of the Planning Committee.

Neighbours: 4 neighbouring properties consulted. One response received which comments that with agreement for over 50 houses in the centre of the historic village from Gladman Homes looking favourable, a very small change to an existing garage is negligible.

Parish Council: Smarden Parish Council object to the application for retrospective planning permission and comment as follows:

'This retrospective application is an attempt to circumnavigate the Planning System and has not given any Parishioners, the Borough Council, or the Parish Council an opportunity to comment or advise prior to commencement of the work and appears to demonstrate a disregard for the current planning processes in place. It has been reported by and to the Parish Council that the garage is or was a shed and no application has been seen for this garage. The loss of amenity, privacy and light to Hadman Cottages is a major concern and it is unacceptable to have windows overlooking any of the cottages and back gardens as it is intrusive and is not acceptable. This application is only forthcoming due to an enforcement investigation.'

The Parish Council have further commented that a first floor window facing the rear of the neighbouring cottages should be removed in order to prevent loss of privacy and light intrusion to the neighbouring dwelling and garden.

Planning Policy

5. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013, the Wye Neighbourhood Plan 2015-30, and the Pluckley Neighbourhood Plan 2016-30. On 9 June 2016 the Council approved a consultation version of the Local Plan to 2030. Consultation commenced on 15 June 2016 and closed after 8 weeks. Proposed 'Main Changes' to the draft Local Plan were approved for further consultation by the Council on 15 June 2017 and consultation has now closed. At present the policies in this emerging plan can be accorded little weight.
6. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

GP12 – Protecting the countryside and managing change

HG10 – Residential annexes

Local Development Framework Core Strategy 2008

CS1 – Guiding Principles for Sustainable Development and High Quality Design

CS9 – Design Quality

Local Plan to 2030

SP1 – Strategic Objectives

SP6 – Promoting High Quality Design

HOU9 – Standalone annexes

ENV3 – Landscape Character and Design

7. The following are also material to the determination of this application:-

Supplementary Planning Guidance/Documents

SPG9 – Domestic Garages and Outbuildings in Urban and Rural Areas

Village Design Statements

Smarden Parish Design Statement

Government Advice

National Planning Policy Framework (NPPF) 2012

8. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
9. Government guidance in the NPPF generally seeks to restrict inappropriate new built development in the countryside as a matter of principle, particularly where it would give rise to visually harmful impacts. The NPPF (paragraph 17) states (amongst 12 planning principles) that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Assessment

10. The key issues for consideration with this application are:
- Principle
 - Visual impact
 - Impact on the character and appearance of area
 - Residential amenity
 - Highway safety

Principle

11. The principle of annexe accommodation to existing dwellings is generally supported by policies HG10 of the adopted Local Plan and HOU9 of the emerging Local Plan providing a direct relationship between the use of the annexe and that of the main dwelling is clearly demonstrated and the annexe will satisfy a genuine and legitimate need. Whilst in this case the annexe accommodation is physically detached from the main dwelling it serves, a relationship is currently maintained between the two in that the annexe is within the existing curtilage of the main dwelling and is used/occupied by the son of the owners of the main dwelling and his partner. Potential future use of the annexe accommodation as a separate dwelling independent from the existing dwelling can be appropriately controlled by planning condition imposed on any grant of planning permission. With such a condition imposed, the use of the first floor accommodation as annexe accommodation to the existing dwelling at 1 Hadman Cottages is considered to be acceptable in principle.

Visual Impact

12. The first floor mansard type roof extension which has been erected to the previous single-storey garage/store building, as a result of its location to the rear of the cottages at Hadman Cottages and the screening provided by the cottages and existing trees and hedging along the south-western and north-western boundaries of the site, does not impact in the street scene or public views along Bell Lane. The mansard type roof extension has minimal visual impact outside the site and there is no harmful visual impact in the surrounding area.

Character and Appearance

13. The first floor mansard type roof extension which has been erected results in a modest increase in the built form within this part of the open countryside. The extension will form part of the context of the four existing two-storey terraced cottages as opposed to part of the open landscape of the surrounding countryside. In light of the above and given the minimal visual impact outside the site, the extension does not have a harmful impact on the character and appearance of the area.

Residential Amenity

14. The overall height of the extended building (4.3m) is restricted by the annexe accommodation being located within the mansard type roof extension to the original detached single-storey garage/store building. The building is 20m from the rear elevation wall of the closest neighbouring cottage (No 4 Hadman Cottages) along Bell Lane. As a result of the restricted height of the building

and the separation distance between the building and the rear of the neighbouring terraced cottages along Bell Lane, it is not considered that the extension to the building has any significant and unacceptable unneighbourly impact. Comings and goings to and from the annexe accommodation is not likely to impact on the neighbouring cottages.

15. The first floor annexe accommodation within the mansard type roof extension incorporates a bedroom window within the north-west facing elevation which faces towards part of the rear garden area to the mid-terrace cottage at 3 Hadman Cottages with the adjoining rear garden to the end of terrace cottage at 4 Hadman Cottages beyond. The bedroom window is 3m approx. in from the boundary with the closest part of the garden area to No. 3 and 11m approx. from the closest part of the rear garden to No. 4. The separation distances between bedroom window and the rear elevation windows and gardens to the neighbouring cottages, together with screening provided by existing trees outside the window along the north-western boundary of the site, would prevent any significant issues of overlooking and loss of privacy to the occupiers of the neighbouring cottages. However, the applicant has indicated a willingness to install obscure glazing to the window with a high level opening part to the window only and this can be secured by planning condition imposed on any grant of planning permission. Such window treatment secured by condition will ensure adequate levels of privacy to the neighbouring cottage are maintained should the existing trees outside the window be removed, cut back, or be not in leaf.



Figure 5 Side elevation window

Highway safety

16. The first floor annexe accommodation is accessed via the curtilage of the existing dwelling which incorporates a driveway serving the garages on the ground floor of the annexe building and the parking and vehicle manoeuvring area adjacent to the building. The use of the annexe accommodation in connection with the main dwelling is not likely to generate any significant increase in parking requirements at the site or vehicle movements to and from the site via the existing access drive. Any modest increases can be accommodated with the existing arrangements. The first floor annexe extension does not raise any parking and/or highway safety issues.

Human Rights Issues

17. I have also taken into account the human rights issues relevant to this application. In my view, the “Assessment” section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their 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).

Working with the applicant

18. In accordance with paragraphs 186 and 187 of the NPPF, Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner as explained in the note to the applicant included in the recommendation below.

Conclusion

19. The retrospective application is not considered to raise any significant issues with regards to impact on the visual amenities, character and appearance of the area, impact on neighbouring property, or impact on parking and highway safety.
20. Subject to conditions to prevent the annexe accommodation being used as a separate independent dwelling and to secure obscure glazing and high level opening only to the north-west facing window, it is not considered that the retrospective application conflicts with Government guidance in the NPPF, the requirements of the saved policies of the Ashford Borough Local Plan 2000, the relevant policies of the LDF Core Strategy and Ashford Local Plan to 2030 – Publication Draft, or the guidance in the Supplementary Planning Guidance Note 9 – Domestic Garages and Outbuildings in Urban and Rural Areas. The application is therefore recommended for approval.

Recommendation

(A) Permit

Subject to the following conditions and notes:

1. The first floor annexe accommodation hereby permitted shall only be used and/or occupied for purposes ancillary to the residential use of the existing dwelling at 1 Hadman Cottages, Bell Lane, Smarden, Ashford, Kent, TN27 8PW and the users/occupiers shall have a direct family relationship to the occupiers of that existing dwelling. The first floor annexe accommodation shall not be sub-divided, separated, let or sold off, or altered in any way so as to create a separate independent residential unit.

Reason: A use separate from the existing dwelling as a separate independent residential unit would conflict with Government guidance in the NPPF and local plan policy relating to protection of the countryside.

2. Within two months of the date of this decision notice to grant planning permission the first floor bedroom window to the north-west facing elevation of the annexe extension hereby approved shall be fitted with obscure glass and shall be fitted so as to be non-opening below a height of 1.7 metres above the finished floor level of the room the window serves. The first floor bedroom window to the north-west facing elevation of the annexe extension shall be retained and maintained as such at all times thereafter.

Reason: In the interests of the privacy and amenities of the occupiers of the neighbouring dwellings.

3. The development approved shall be made available for inspection, at a reasonable time, by the Local Planning Authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission).

Reason: In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

Note to Applicant

1. **Working with the Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development

proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application,
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance:

- the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 17/00298/AS)

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Annex 1 – Site Location Plan



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