

Application Number	22/00602/AS	
Location	Annexe at, Mersham Manor, Church Close, Mersham, Kent	
Grid Reference	05213/39386	
Parish Council	Mersham	
Ward	Mersham, Sevington South with Finberry	
Application Description	Variation of condition 9 (approved plans) on planning permission 19/01602/AS to alter the materials, height and footprint of the annexe	
Applicant	Mr W Puxley c/o agent	
Agent	Mr M Simmonds, Kent Planning, PO Box 277, Hythe CT21 9BG	
Site Area	0.5 ha	
(a) 7/2R/1X	(b) X	(c) HE - +

Introduction

1. This application is reported to the Planning Committee at the request of Cllr Bartlett

Site and Surroundings

2. The building the subject of this application comprises a newly built, detached annexe sited to the north of Grade I listed Mersham Manor. The annexe is tucked behind the modern wall and entrance providing access to/from Church Close to the site.
3. To the east of the outbuilding lies the Church of St John the Baptist (Grade I Listed), to the north west lies Court Lodge Barn (Grade II* Listed).

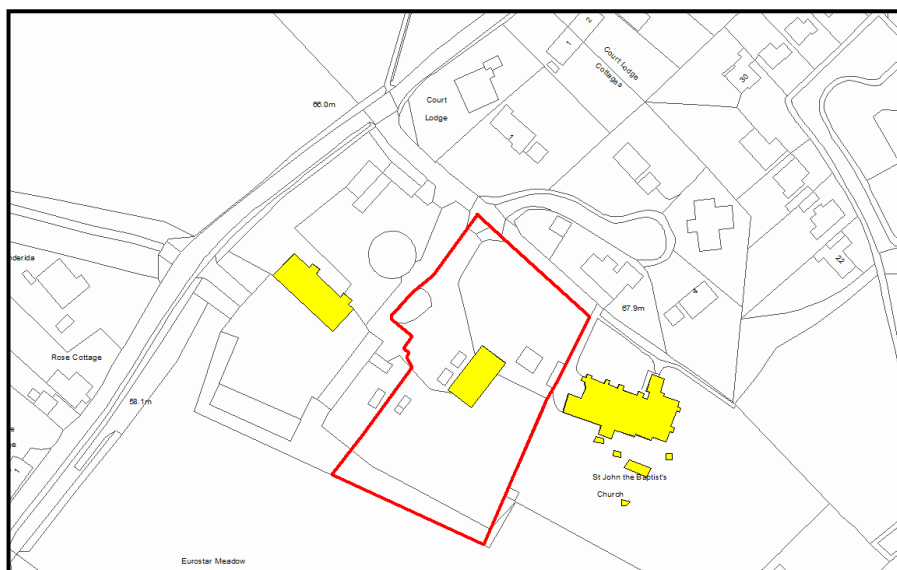


Figure 1 Site Location Plan

Proposal

4. The proposal seeks to vary the approved plans condition on planning permission 19/01602/AS by way of a Section 73 application. The annexe which has been built is not in accordance with the approved plans. Therefore the plans now for consideration seek to regularise the height and footprint of the building (including a covered verandah rather than open) and the materials.

5. The original dimensions as approved in 2017 and 2019 were as follows:

Height: 5.4m
Width: 6.1m
Length: 11.5m (including verandah area)
Eaves: 2.45m

The as built dimensions are:

Height: 6.0m (addition of 60cm)
Width: 7.2m (addition of 1.1m)
Length: 12.3m (including verandah area) (addition of 80cm)
Eaves: 2.7m (addition of 25cm)

6. As well as the changes to dimensions, this application seeks to alter the materials to omit the weatherboarding and change the colour/materials of the

windows I from mid-grey aluminium to solid oak windows.

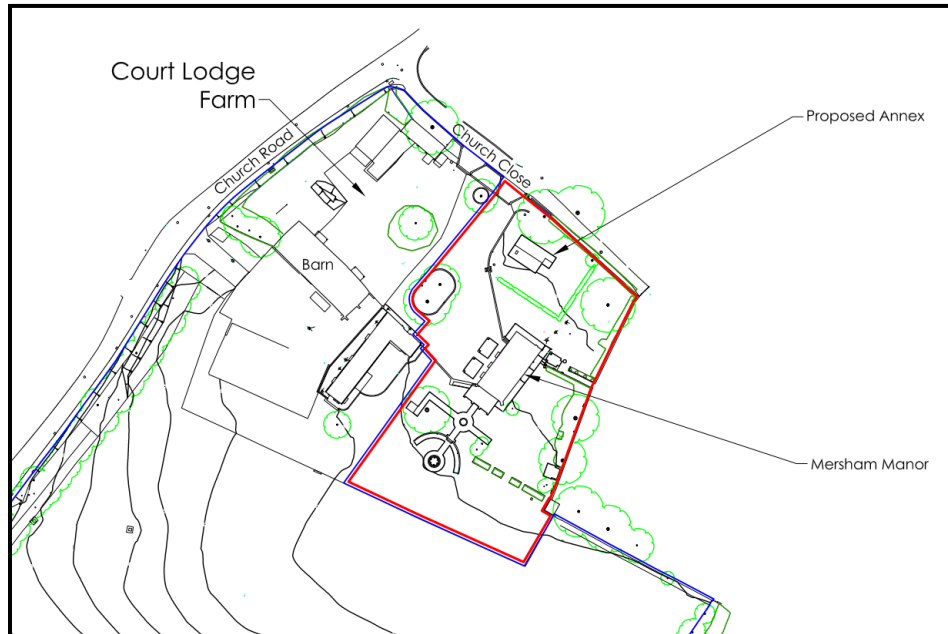


Figure 2 - site layout showing annexe in situ

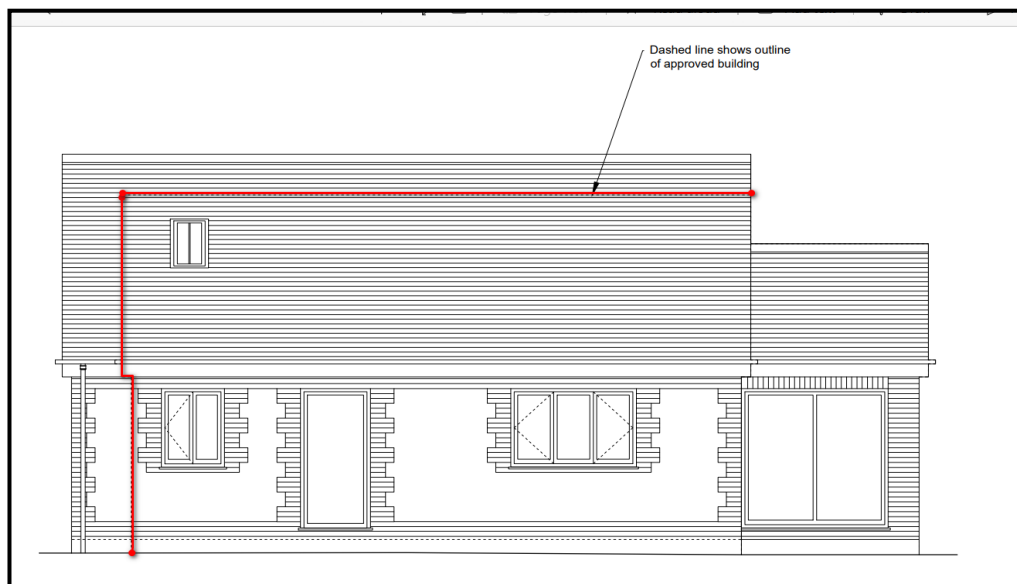


Figure 3 - southwest side elevation - red line shows originally approved dimensions

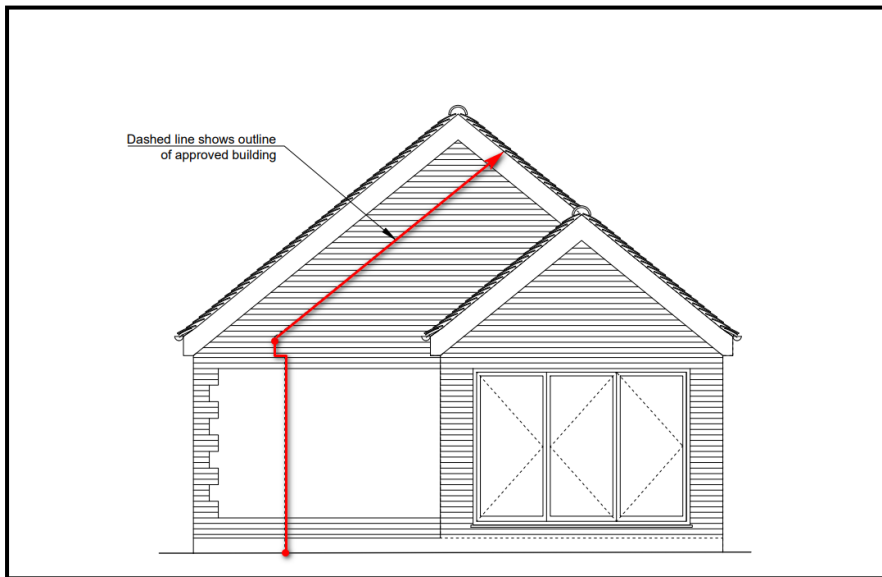


Figure 4 - southeast "front" elevation - red shows original dimensions

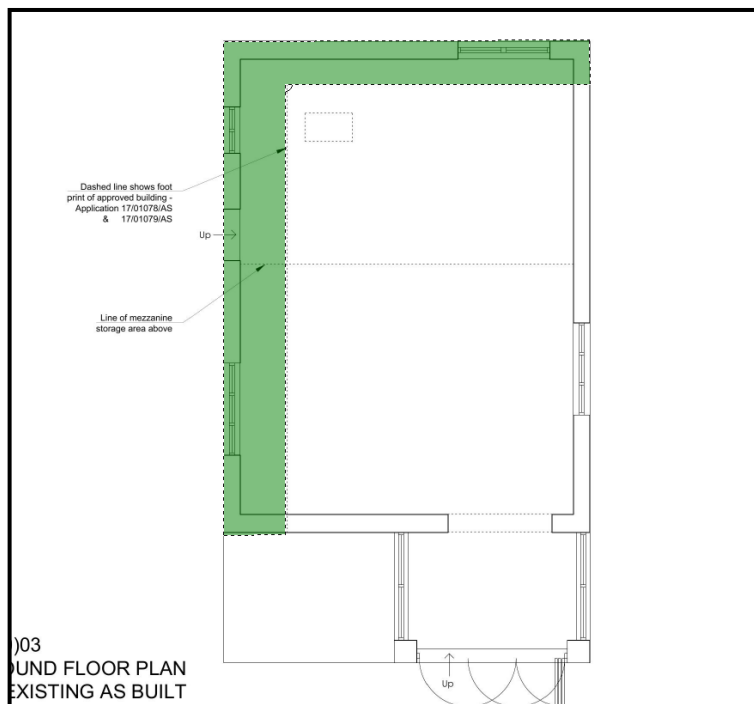


Figure 5 - ground floor - green showing additional footprint



Figure 6 - annexe to left hand side with Church and Manor

Planning History

7. The following is relevant relating to the application;-

8.

17/01078/AS – Demolition and replacement of existing annexe – refused 13th September 2017

17/01079/AS – Demolition of existing annexe – listed building consent granted 13th September 2017

19/01602/AS – Variation of condition 2 on planning permission 17/01078/AS to reduce areas clad in featheredged boarding to gables only – granted planning permission 10th January 2020

Consultations

Ward Member(s): Cllr Bartlett has requested that the application be determined by the planning committee

Mersham Parish Council: direct objections from neighbours; objects to this application; the additional height obstructs the sight lines of the historic listed buildings in its environs; should meet the specification of the original application as approved.

Historic England: Not offering advice in this instance. They state that in doing so they are not commenting on the merits of the application.

KCC Archaeology: no response received

Neighbours: 7 neighbours consulted; 2 letters of objection and 1 letter with general comment received:

Objections:

- building totally obscures the Manor and most of the Church; no excuse for making it a metre bigger in all elevations and ignoring detailed material requirements; should be raised to the ground and rebuilt to original drawings and all materials (*Officer comment: the difference is not one metre in all elevations*)
- reference to original refusal/appeal; new building almost completely blocks the view of the Church and Manor House as you approach on Church lane; reference to conditions and approved drawings and non-compliance; windows should be mid grey aluminium but upvc installed; significantly larger in height, length & width; should be refused (*Officer comment: the windows are to be changed to be solid oak windows*)

General Comment:

- the building itself is very attractive and the increase in size is not a concern; reference to small trees on original plans no longer shown and query over further trees to be planted (*Officer comment: the landscaping will be as per the approved landscaping condition details/plan*)

Planning Policy

9. The Development Plan for Ashford Borough comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Egerton Neighbourhood Plan (2022) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).

The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Local Plan 2030 (adopted February 2019)

SP1 – Strategic Objectives

SP6 – Promoting High Quality Design

ENV4 – Dark Skies

ENV5 – Protecting Important Rural Features

ENV13 – Conservation & Enhancement of Heritage Assets

ENV15 - Archaeology

HOU9 – Standalone Annexes

TRA3a- Parking Standards for Residential Development

10. The following are also material considerations to the determination of this application.

Supplementary Planning Guidance/Documents

Dark Skies SPD 2014

Supplementary Planning Guidance Note 9 (Domestic Garages and Outbuildings in Rural Areas)

Government Advice

National Planning Policy Framework (NPPF) 2021

11. 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 NPPF. The NPPF states 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:-

Paragraph 130, Planning policies and decisions should ensure that developments:

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

Paragraph 197, Determining applications taking account of the conservation of heritage assets

Paragraph 199, Determining applications considering the impact of a proposed development on the significance of a designated heritage

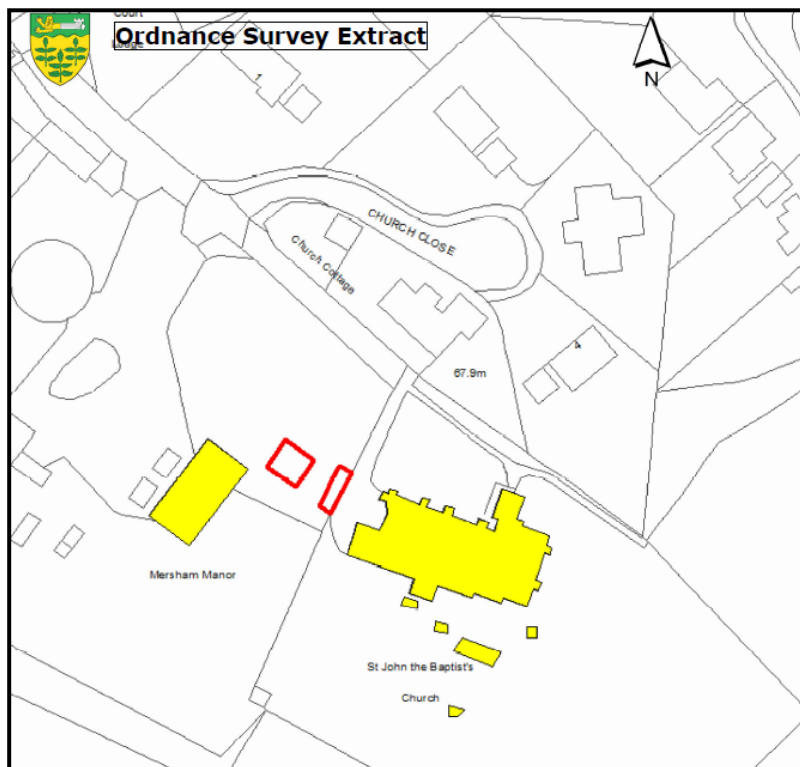
National Planning Policy Guidance (NPPG)

Assessment

12. The key issues for consideration are:
- Background & Previous Appeal Decision
 - Heritage & Visual amenity
 - Residential amenity
 - Highway Safety

Background & Previous Appeal Decision

13. There was an original, curtilage listed, annexe on the site which in itself was subject to consent for its demolition in 2013, then again in 2017. The Council granted consent for its demolition under reference 17/01079/AS which was submitted at the same time as the original planning application for the replacement annexe under reference 17/01078/AS. This permission was granted on appeal in May 2018 with a number of conditions, one of which included the compliance with the approved plans. A condition was also imposed requiring the demolition of the existing annexe and shed to be carried out prior to the commencement of development of the “new” annexe. These buildings have both been demolished with spoil removed from the site. The remaining conditions which required formal discharged were all discharged appropriately. The annexe and shed that were demolished lay between Mersham Manor and the church detracting from the setting and reading of both these listed buildings. The new annexe was siting a considerable distance from the manor to restore the setting of both the church and Manor. The location of the new annexe is shown in figure 2 above. The location of the annexe and shed demolished is shown in figure 7 below:



14. At the time of the appeal the Inspector noted Historic England's statement that the *annexe detracted from the setting of the Manor House and stated that the "existence and effect of the existing annex is a matter of considerable importance to the appeal considerations. It is located in a prominent position between the garden face of the manor house and the entrance path of the church and is accompanied by a particularly unattractive tin shed. Both of the nearest listed buildings display a high degree of architectural significance on the façades facing each other across the land in front of the annex. Historic England have stated that the annex detracts from the setting of the manor house and prejudices the group value of the entire cluster of buildings, and continue with the view that demolition of the existing annex would improve the manor's immediate setting"*. Likewise, the removal of the shed results in an improvement to the setting of the Church.
15. Recognising the new annexe and its new location, the Inspector stated that the annexe *"would be a sufficient distance from any of the listed buildings so as to avoid direct harm to their structure or architectural interest, and there is limited or no evidence as to the location's historic association, and in any event, this has been diluted considerably by the re-profiling of the ground, the*

formation of the retaining structure, the expanse of parking and the modern gates.”

16. Again it was recognised that the building would be *“plainly seen as would any activity associated with the use, and in place of an open grass area this would cause harm to the setting of the manor house. The form and likely associated paraphernalia would appear intrusive in the same view as the entrance façade but would also be seen as part of the more recent built form of the gate and walls. The effect on the barn and the church would be more limited to being in some views of those buildings, but would not appear as a direct effect on their appreciation due to the distances involved and the clearly different age and use.”*
17. Furthermore, the Inspector stated that *“the virtual 'moving' of the annexe would secure the continuing viable use of the manor house through having access to a modern, well-designed annexe, and that residential use is considered to be the optimum one and that for which the house was first built.”*
18. In 2019 a further application was submitted under a Section 73 application (19/01602/AS) to vary those plans approved in 2018 (appeal decision) which allowed for a change in materials by reducing the amount of weather boarding so that all elevations were to be ragstone, with the top half of the gable ends only to be weatherboard. Previously both gable ends were to be fully weatherboarded and the side elevations were to be half weatherboard and half ragstone. The mid grey aluminium windows and roof tiles were to remain as originally approved.
19. It is clear from the above that at appeal the demolition of the existing annexe and shed was deemed a considerable benefit in terms of enhancing the settings of both the manor and the church and appreciating the historic grouping and reading of these buildings. This outweighed the less than substantial harm that the new annex caused. The principle of the annexe remains acceptable. The issue for consideration is ultimately whether the changes to the annex as built results in harm that outweighs the benefits of the removal of the original annexe and shed.

Heritage & Visual amenity

20. Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development that affects a listed building or its setting the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

21. The principle of the annexe, along with its location, to serve the listed manor has been accepted and cannot be reconsidered at this stage. The Planning Inspector, considered it a sufficient distance from the listed buildings to avoid direct harm. The changes which have now been carried out are listed above but essentially add approximately an additional 18 square metres of footprint with a 60cm increase in overall height. The weatherboarding detail has been removed so that all elevations are now ragstone. The windows have been inserted as oak effect upvc but these are to be changed (as per the amended drawings) to solid oak timber windows which will assimilate with the material detailing of the converted stable barn building at the opposite end of the site.
22. The proposed changes would have no materially greater impact on the setting of any of the listed buildings in/around the site than the originally approved scheme. The land would remain open and suitably landscaped. The changes would continue to provide a considerable improvement to the churchyard whilst still continuing to allow the reinstatement of the visual link between the Church and Manor House all of which contributed to the favourable outcome of the previous application that was allowed at appeal.
23. The issue ultimately for the committee is whether the changes now sought would result in less than substantial harm that is materially greater than the approved scheme and that would be such to warrant refusal of this current scheme. As stated above the changes are minimal and in respect of the impact of the setting of the listed buildings would not result in less than substantial harm that would outweigh the significant benefits associated with the removal of the original annexe and shed and the benefits of providing good quality annexe accommodation to serve the manor house..
24. Members are of course also aware that the fact that an application is retrospective is not a material planning consideration.
25. The proposal would not unacceptably harm the visual amenity of the wider area.

Residential Amenity

26. Given the nature of the development and the distances to neighbours, there would be no harm to residential amenity.

Highway Safety

27. There is sufficient on-site parking to serve the development with no harm to highway safety as a result.

Human Rights Issues

28. 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

29. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

30. The development is acceptable in visual, heritage, residential amenity and highway safety terms. The proposed development complies with the Development Plan, Central Government guidance and the Council's SPG and does not give rise to any unacceptable harm. I therefore recommend that planning permission is granted.

Recommendation

Permit

Subject to the following Conditions and Notes:

1. Hard and soft landscaping to be carried out in accordance with details approved under 17/01078/CONB/AS
2. Implementation programme for landscaping to be carried out as approved under application 17/01078/CONB/AS.
3. Ancillary annexe condition
4. Condition requiring windows replaced as per approved amended plans within 6 months of the date of decision.
5. Approved plans

6. Plans available for inspection

(with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit).

Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative 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 22/00602/AS)

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