
Appeal Decision

Site visit made on 19 December 2016

by P W Clark MA MRTPI MCMI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 January 2017

Appeal Ref: APP/U2235/D/16/3161894

2 Kennel Cottages, Bow Hill, Watlingbury, Kent ME18 5EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Steve Marchant against the decision of Maidstone Borough Council.
 - The application Ref 16/501201/FULL, dated 30 January 2015, was refused by notice dated 4 October 2016.
 - The development proposed is a games room.
-

Decision

1. The appeal is allowed and planning permission is granted for a games room at 2 Kennel Cottages, Bow Hill, Watlingbury, Kent ME18 5EF in accordance with the terms of the application, Ref 16/501201/FULL, dated 30 January 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plan number 2014/03/565/01/C.
 - 3) The building hereby permitted shall be used for domestic purposes ancillary to the use of the dwelling known as 2 Kennel Cottages. It shall not be used or altered in any way to create a separate dwelling.

Procedural matters

2. The application form is dated 30 January 2015 in several places. This is likely to be in error for 2016 as its receipt is date stamped 5 February 2016.
3. There is a discrepancy on the approved plan which, on plan, depicts windows in the west wall, not shown on elevation. The elevation is reported to be correct and I have made my decision on that basis.

Main Issues

4. There are two main issues. They are the effects of the proposal;
 - on the character and appearance of the area and
 - on flooding.
-

Reasons

Character and appearance

5. The appeal site is slightly detached from the main body of Wateringbury, which lies on the north side of the river Medway. Yet it is not in open countryside. The Medway Wharf Marina, featuring a large crane and crowded with boats and containers lies immediately to its north. To its west is the substantial Bridge House. To its south, on the opposite side of Bow Hill is Spring Farm, also a substantial two-storey property. Kennel Cottages themselves are far from insignificant buildings, having been greatly extended to be currently two or three times the size shown on the outdated Ordnance Survey extract submitted with the application. The existing outbuilding in the grounds of the appeal site, indicated as a garage is also two or three times the size shown on the Ordnance Survey extract.
6. Local Plan policy ENV35 provides that particular attention will be given to the management of open space and the character of the landscape in Areas of Local Landscape Importance (ALLI) but the extract from the Policies Map submitted by the appellant shows the area of Landscape of Local Value to commence on the opposite side of Bow Hill. In any event, the introduction of a further domestic building in an enclave of domestic development would have no effect on the character of the surrounding landscape. Its construction will appear in, rather than obstruct, the clear view across the site from the entrance to Spring Farm but that clear view is not of open countryside but to the boats, containers and crane of Medway Wharf and to the houses on the north bank of the Medway, as the appellant's photograph C4 demonstrates.
7. I conclude that the addition of a further outbuilding into this already developed environment would cause no harm. Its domestic design and scale, noted in the reasons for refusal, would be of benefit in the context of the residential uses of the vicinity. Despite having two storeys, one would be within the roof so it would be much smaller in scale than the greatly extended main house to which it would otherwise appear ancillary in accordance with the advice of the Council's residential extensions SPD.
8. Although it might just be possible to squeeze cooking, living, sleeping and washing facilities into the floorspace, with a footprint of 6.3 x 4.8m it is barely as large as a garage with accommodation in its roof. Consequently, I do not regard it as contrary to Maidstone Borough-wide Local Plan 2000 policy H33 which would refuse permission for extensions to dwellings in the countryside if they are of a size capable of being used as a separate dwelling. There is no information to show that the site is outside the development limits of Wateringbury but in any event, policy ENV28 allows development in the countryside if in accordance with other specific policies of the plan.

Flooding

9. The site is recorded as being in the Environment Agency's flood zones 2 and 3, so it would have a high risk of being flooded. Except that, as the officer's report notes, a flood defence wall around both cottages was given planning permission in 2015 (reference 14/504728/FULL) and is partly completed, at least around the appeal site. Once completed, the flood risk may be presumed to have been reduced to an acceptable level. The proposed outbuilding would be contained within this flood defence boundary and so would have no more

effect on the likely displacement of flood waters on to other properties than would the approved flood defence wall itself. I therefore conclude that the effect of the proposal on flooding would be acceptable and is no reason to dismiss this appeal.

Conclusion

10. Because I have found the proposal acceptable in relation to both issues, I allow the appeal, with the conditions suggested by the Council, except that requiring matching materials because materials are shown on the plans, with which the proposal would be required to comply in any event.

P. W. Clark

Inspector