



Appeal Decision

Site visit made on 8 November 2022

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 January 2023

Appeal Ref: APP/U2235/W/22/3297370

2 Loddington Lane Cottages, Loddington Lane, Boughton Monchelsea, Maidstone, Kent ME17 4AD

- 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 Richard Brigden against the decision of Maidstone Borough Council.
 - The application Ref 21/504879/FULL, dated 26 August 2021, was refused by notice dated 10 December 2021.
 - The development proposed is conversion of existing cottage together with a two storey rear/side extension to create 1 No. two bedroom dwelling and 1 No. three bedroom dwelling. Erection of 1 No. detached four bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing cottage together with a two storey rear/side extension to create 1 No. two bedroom dwelling and 1 No. three bedroom dwelling. Erection of 1 No. detached four bedroom dwelling in accordance with the terms of the application, Ref 21/504879/FULL, dated 26 August 2022, subject to the conditions set out in the schedule to this decision.

Applications for costs

2. An application for costs was made by Mr Richard Brigden against Maidstone Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, including whether the proposal would preserve or enhance the character or appearance of the Linton Conservation Area (LCA);
 - the effect of the proposed development on the setting of Linton Park Grade II* Registered Park and Garden;
 - the effect of the proposal on biodiversity; and
 - the effect of the proposed development on the living conditions of the occupants of Rose Cottage.

Reasons

Character and appearance

4. The appeal site lies within the boundary of Linton Conservation Area (LCA). Therefore, in accordance with Section 72 (1) of the Planning (Listed Buildings and Conservation

Areas) Act 1990, I am mindful of my statutory duty to preserve or enhance the character or appearance of the area. Linton Village provides a historical focus to the area, centred predominantly around the Parish Church whilst the wider LCA is, to a considerable extent, characterised by a linear scattering of farmsteads and cottages resulting from the evolution of Linton Park estate, a Grade II* Registered Park and Garden. Together with the abundance of greenery, this provides the LCA with a rural character and appearance which contributes to its overall significance.

5. The appeal site lies on the far north-eastern corner of LCA and within the Greenands Ridge, a landscape of local value. Located within the countryside for the purposes of Policy SP17 of the Maidstone Borough Local Plan 2014-2029 (LP), the site comprises a generous plot and is occupied by a detached cottage. There is a neighbouring dwelling located to the north of the site, beyond which lies the junction of Loddington Lane and Heath Road - the main route through Boughton Monchelsea. Therefore, notwithstanding the countryside designation, the appeal site relates well to the main settlement in terms of both physical proximity and visual connection.
6. The Boughton Monchelsea Neighbourhood Plan 2021 (BMNP) seeks to maintain the distinction between the north of the parish and the more rural area south of Heath Road. As such, BMNP Policy RH 1 indicates that new residential development to the south of Heath Road will not be supported unless it conforms with national and local exception policies. Viewpoint 3 of the supporting Landscape Masterplan and Management Plan (LMMP) is said to indicate the contrast between the linear development to the north of Heath Road and the start of agricultural land uses and woodland to the south. To some extent however, this viewpoint has been disrupted by the building located on the opposite side of the road, which, based upon my observations appeared to be a more recent addition to the Lane. In any case, given that the proposal would not extend beyond the existing site boundary, it would not disrupt the existing view along Loddington Lane or linear features of importance.
7. Although the space between the appeal property and Rose Cottage would be infilled, the proposed dwelling would be no wider than the neighbouring dwellings and would provide sufficient spacing between the buildings whilst the proposed rear extension would not dominate the host property. The sense of space would therefore not be eroded whilst the wooded area to the rear of the site would remain visible from Loddington Lane. Moreover, the proposed development would be unobtrusively located and accommodated within the existing envelope of the site. Therefore, the proposal would not read as a discordant form of ribbon development or undermine the openness of this area of the Greensand Ridge.
8. The height of the new dwelling would not exceed the height of the neighbouring cottages whilst the external appearance would be sympathetic to the local vernacular. Furthermore, the subdivision and extension of the existing cottage would relate sympathetically to the existing building, retaining the simplistic design and proportions. As such, I find that the proposal would not disrupt the established building pattern or detract from the rural character and appearance of the area.
9. For these reasons, I find that the proposal would not harm the character and appearance of the area including the LCA. It therefore accords with Policies SS1, SP18, DM1 and DM4 of the LP, which amongst other aspects seek to ensure that development proposals protect and respond positively to local character and avoid coalescence whilst also ensuring suitable measures to conserve and where possible enhance the significance of heritage assets. The proposal is also compliant with Policies PWP4, RH6 and RH8 of the BMNP. Collectively, these policies seek to ensure that new development within the parish is of the highest visual quality and responds to local characteristics and distinctiveness. The proposal is also consistent with the design objectives of the National Planning Policy Framework (the Framework).

10. Whilst BMNP Policy RH 1 seeks to resist new residential development to the south of Heath Road, the Council does not allege conflict with LP Policy SP17 which is the principal countryside protection policy. I therefore find a limited degree of conflict with BMNP Policy RH1.

Linton Park

11. Linton Park, a Grade II* Registered Park and Garden is recognised for its attractive, well-maintained meadows and treed areas, parcels of which can be seen from the public realm. Together with the estate buildings, these wooded areas contribute to the overall significance of the heritage asset. In accordance with Paragraph 199 of the Framework great weight should be given to an asset's conservation when considering the impact of the proposal on its significance. Although located outside of the designated landscape, the appeal site has a historic relationship with the Linton Park Estate given that it was once owned by it. Be that as it may, given the unremarkable architecture of the appeal building and the location of the site, it does not contribute to the setting of Linton Park.
12. The proposed parking area would result in an enclosed area of hardstanding however it would be largely screened by the proposed dwelling, Loddington Lane Cottages and the mature hedgerows which enclose the appeal site. As such, the proposed parking area would not be unduly prominent when viewed from the public realm and would not disrupt views into Linton Park.
13. Accordingly, I do not find that the proposal would harm the setting of the Linton Park Grade II* Registered Park and Garden. The proposal therefore accords with Policies SP18, DM1 and DM4 of the LP, which amongst other aspects seek to ensure that development proposals conserve and where possible enhance the significance of heritage assets. The proposal is also compliant with Policies RH6 and RH8 of the BMNP. Collectively, these policies seek to ensure that new development within the parish is of the highest visual quality and responds to local characteristics and distinctiveness. I also find the proposal to be consistent with the design objectives of the National Planning Policy Framework (the Framework). The decision notice cites LP Policy SS1 and BMNP Policy RH1 however as these relate to the strategic location of new housing development they are not relevant to this issue.

Impact on biodiversity

14. The Council contends that the proposed parking area would create an urban barrier between the appeal site and the adjacent woodland and thus would result in a negative impact to local biodiversity through habitat fragmentation and disturbance. It is further alleged that the proposal would fail to maintain or provide a net gain for biodiversity.
15. Amongst other aspects, Policy DM1 of the LP requires development proposals to protect and enhance any on-site biodiversity, providing sufficient mitigation measures where appropriate whilst Policy PWP12 of the BMNP indicates that all new development should incorporate measures to maintain and improve biodiversity including the retention of habitats, new landscaping and bird nesting opportunities.
16. The ecological survey confirms no harm to bats and reptiles subject to appropriate mitigation measures and further recommends that biodiversity enhancements including the retention and strengthening of existing landscaping together with the provision of bat boxes be implemented. The findings of the survey are not disputed by the Council. In addition to the recommended mitigation, a condition requiring the incorporation of gaps in the boundary enclosures at ground level would also provide opportunity for the passage of wildlife thus avoiding potential barriers. Overall, I am satisfied that these measures would provide a net gain to biodiversity. The proposal

therefore accords with LP Policy DM1 together with Policy PWP12 of the BMNP. I also find the proposal to be consistent with the environmental objectives of the Framework.

Living Conditions

17. Rose Cottage lies within a large, mature garden and is, according to the Council's Committee Report located approximately 5 metres from the proposed new dwelling at its closest point. Due to the layout of the proposed development and position of the new dwelling relative to Rose Cottage, I find that the proposal would not be overbearing.
18. Given the siting of the proposed dwelling relative to Rose Cottage together with the position of the windows in the said property, the proposal would not give rise to the loss of daylight or result in overshadowing. Solid timber fencing would be erected along the shared boundary whilst obscure glazing would be installed in the first-floor windows. Combined, these measures would adequately mitigate any overlooking, such that there would be no harm to living conditions with regard to privacy.
19. Whilst I appreciate that outlook would be altered, I find that that the proposal would not have an unacceptable effect on the living conditions of the occupants of Rose Cottage. The proposal therefore complies with LP Policy DM1, which, amongst other objectives, seeks to ensure that development respects the amenities of neighbouring occupiers by ensuring that the built form would not result in an unacceptable loss of privacy, light, overlooking or visual intrusion. The proposal is also consistent with the Framework, which, amongst other objectives seeks to ensure a high standard of amenity for existing occupiers.

Other Matters

20. The appeal site lies within an area of archaeological potential however the Council's report indicates that a suitable watching brief condition would provide sufficient opportunity to examine and record any archaeological features unearthed during the course of the development. There is no evidence before me to indicate that such an approach would be unacceptable and therefore, I have no reason to disagree with the Council's conclusions on this matter.

Conditions

21. I have had regard to the various planning conditions suggested by the Council and have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and for clarity and consistency.
22. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. The appeal site lies within an area of archaeological potential and therefore, a condition requiring the undertaking of a watching brief is reasonable and necessary to ensure that any features of archaeological interest are recorded. A condition requiring the submission of a Precautionary Method Statement in respect of bats, reptiles and breeding birds is necessary to ensure appropriate measures are implemented on-site thus avoiding harm to the identified species and their habitats.
23. The treed area located directly behind the rear boundary of the site positively contributes to the rural character and appearance of the area, including the Linton Conservation Area. Accordingly, a Tree Protection Plan is required to ensure appropriate protection measures are implemented to avoid compromising the integrity and health of the adjacent trees during construction works. In the interests

of the character and appearance of the area, a condition relating to external materials including joinery details has also been imposed although combined for reasons of conciseness. For the same reason, conditions requiring details of boundary treatments and a scheme of landscaping is necessary.

24. Consistent with the Framework, a condition requiring biodiversity benefits is necessary in order to enhance the local environment. A surface water disposal scheme is necessary in order to ensure surface water is disposed of appropriately. In the interests of sustainable design and carbon efficiency a condition relating to renewable and low carbon energy sources is necessary. For the same reason, a condition requiring the installation of electric vehicle charging points is imposed. A condition relating to obscure glazing is necessary to protect the living conditions of adjoining occupiers. In order to minimise potential impact on protected species and living conditions, a lighting scheme is necessary. In order to ensure adequate on-site parking provision, a condition requiring the provision of the parking spaces prior to first occupation is necessary in the interests of highway safety.

Conclusion

25. I have been mindful of the concerns expressed locally regarding the proposal. I have also found that there would be a limited degree of conflict with BMNP Policy RH1. However, the proposal would provide two additional dwellings and would comply with other relevant development plan policies as well as the relevant provisions of the Framework. As such, I conclude that it would accord with the development plan as a whole and that the appeal should be allowed.

H Wilkinson

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three year from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans;
 - 584/01A – Survey Plan (Floor Plans, Elevations and Location Map);
 - 584/02A – Site Layout/Block Plan;
 - 584/03A – Floor Plans;
 - 584/04B – Elevations
3. No development shall take place, (including ground works, site or vegetation clearance) until a detailed scheme for an archaeological watching brief has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the monitoring of all groundworks and excavations, and the recording of all archaeological observations. The archaeological watching brief scheme shall thereafter be implemented in accordance with the approved details.
4. No development shall take place (including any ground works, site or vegetation clearance), until a Precautionary Method Statement (PMS) for the demolition or modifications to the roof of any built structures and the removal of any surface vegetation have been submitted to and approved in writing by the local planning authority. The content of the PMS shall be based on the details outlined in Section 7 of the submitted Reptile and Bat Surveys (July 2021) and shall include:
 - a) Detailed working methods necessary to avoid killing or injury of breeding birds, reptiles and bats;
 - b) Extent and location of proposed avoidance and mitigation measures, shown on appropriate scale maps and plans;
 - c) Timetable for implementation, demonstrating that avoidance and mitigation measures are aligned with the proposed phasing of construction and taking into consideration the active and the sensitive periods for these animal groups;
 - d) Persons responsible for implementing the avoidance and mitigation measures, including times during site clearance/ construction when specialist ecologists need to be present on site to undertake/oversee works;
 - e) Provision for reptile 'rescue' if animals are encountered.

The development shall thereafter be carried out in accordance with the approved details.

5. No development shall take place (including any ground works, site or vegetation clearance) until a tree protection plan (TTP) has been submitted to and approved in writing by the local planning authority. The scheme shall include details of appropriate working methods to ensure the root protection areas of the adjacent trees are not impacted during construction works on site. The development shall thereafter be carried out in accordance with the approved details.
6. No development shall take place above damp-proof course level until written details of the materials to be used in the construction of the external surfaces (including hard surfacing) together with details of the proposed joinery (windows and doors)

have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

7. No development shall take place above damp-proof course level until details of all fencing, walling and other hard boundary treatments have been submitted to and approved in writing by the local planning authority with the details incorporating gaps at ground level to allow for the passage of wildlife. The development shall be carried out in accordance with the approved details prior to the first occupation of the buildings hereby approved and shall be maintained as such thereafter.
8. No development shall take place above damp-proof course level on any individual property until a scheme of landscaping including an implementation and long-term management strategy shall be submitted to and approved in writing by the local planning authority. The scheme shall include the following:
 - (i) details of all existing hedgerows and trees, together with an indication of those to be retained;
 - (ii) Details of new indigenous planting (including location, planting species and size);
 - (iii) Retention and strengthening (with native species) of the existing hedgerow on the front (eastern) boundary; and
 - (iv) New 100% mixed native planting to front of existing building.

Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted. The implementation and long-term management plan shall include long-term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned domestic gardens. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details.

9. No development shall take place above damp-proof course level until details of ecological enhancements shall be submitted to and approved in writing by the local planning authority. These details shall include the following:
 - (i) details of integrated methods into the design and fabric of all three dwellings hereby approved, to include swift bricks, bat tubes and bee bricks; and
 - (ii) the provision of a reptile hibernacula on the site.

The development shall be implemented in accordance with the approved details prior to the first occupation of the relevant dwelling and all features shall be maintained as such thereafter.

10. No development shall take place above damp-proof course level until details of surface water disposal have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved plans prior to first occupation of the dwelling concerned and maintained as such thereafter.
11. No development shall take place above damp-proof course level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development have been submitted to and approved in writing by the local planning authority. The approved measures shall thereafter be installed prior to first occupation of the dwelling concerned and maintained as such thereafter.

12. Prior to the first occupation of each property, a minimum of one operational electric vehicle charging point for low-emission plug-in vehicles shall be installed. The electric vehicle charging points shall be retained and maintained as such thereafter.
13. Prior to the first occupation of the detached dwelling hereby approved, the first floor windows in the north elevation and the first floor bedroom window in the south elevation as shown on Drawing No. 584/03A shall be obscurely glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level. Thereafter, the windows shall not be altered in any way without the prior written approval of the Local Planning Authority.
14. No external lighting, whether temporary or permanent, shall be placed or erected within the site until details have been submitted to and approved in writing by the local planning authority. Any details to be submitted shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011 (and any subsequent revisions), and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The submitted details shall also seek to avoid impacts to the local bat population, based on the measures outlined in the recommendations of the submitted Reptile and Bat Surveys and the guidance contained in Guidance Note 08/18 Bats and Artificial Lighting in the UK (Bat Conservation Trust and the Institute of Lighting Professionals). The development shall thereafter be carried out in accordance with the approved details and maintained as such thereafter.
15. Prior to the first occupation of the development hereby approved, the vehicle parking spaces, as shown on Drawing No. 584/02A, shall be provided and shall be permanently retained for parking thereafter and not used for any other purpose.

END OF SCHEDULE