



# The Bearsted & Thurnham Society

The Residents Association for the Civil Parishes of Bearsted and Thurnham



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## The Coach House, Bearsted

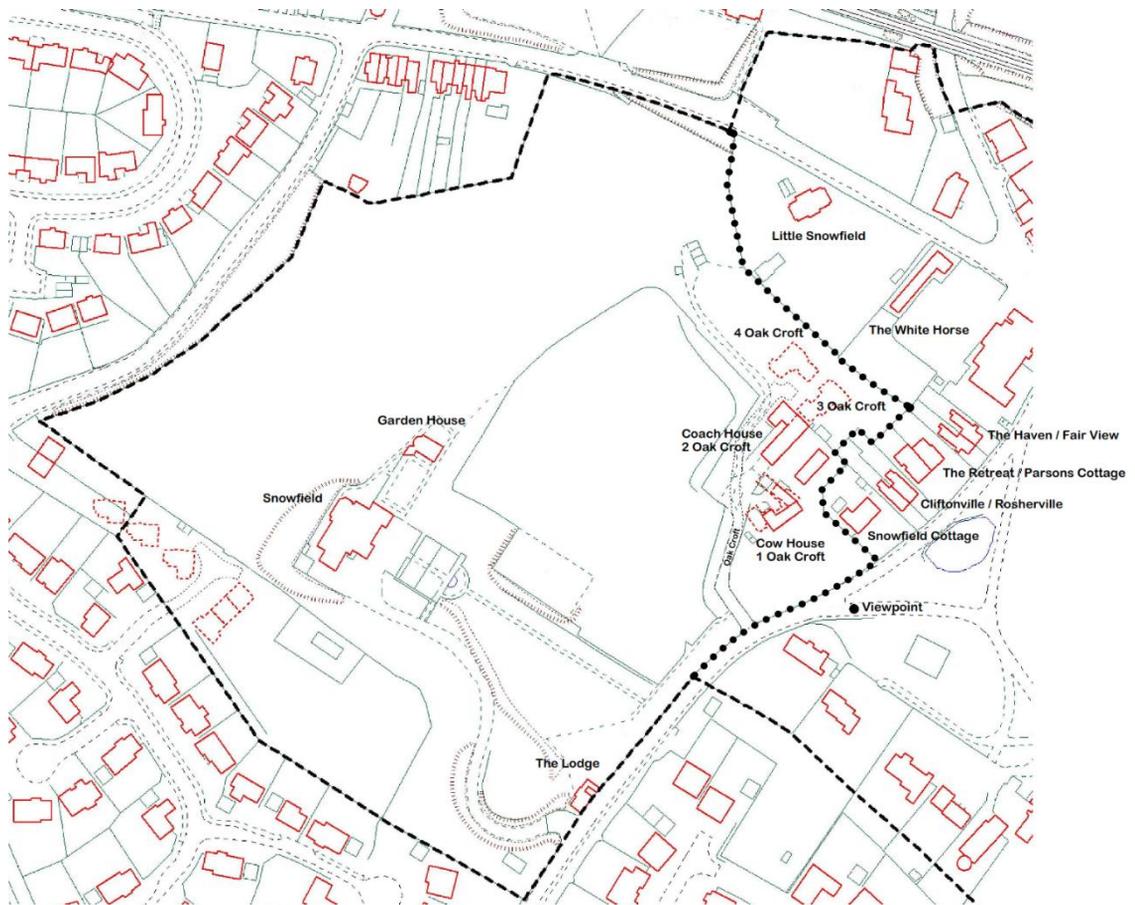
20/500594/FULL Demolition of existing dwelling and erection of two new dwellings

An objection to a planning application for a site which is located within the  
Bearsted Conservation Area.

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# 1. Introduction



(Maidstone Borough Council)

- a. The original Kentish Yeoman's House known as Snowfield was built for James Jacobson, a local barrister, in the mid to late 1830's as a record of 1839 mentions it as being "newly erected". (*Topography of Maidstone and its Environs*)
  - i. James Jacobson was living at Snowfield at the time of the 1841 census.
  - ii. By 1851 he had moved to Bearsted House to be with his sister and brother-in-law, Major Wayth, and had let Snowfield to the widow Frances Smith, a "Gentlewoman and fund holder"
  - iii. James Jacobson died in 1857 and Snowfield was purchased by Henry Tasker, a local banker.
  - iv. In 1861 the occupants of Snowfield were George Milsted, a coachman, his wife and a domestic servant. Presumably these three people were in the employ of Henry Tasker.
  - v. Henry Tasker is shown as occupying Snowfield in all of the census returns from 1871 to 1901.
  - vi. The property was sold to Henry George Montagu MacLean Barstow in 1906. He lived there with his wife, Baroness Emma Magdolna Rozália Mária Jozefa Borbála "Emmuska" Orczy de Orci who famously wrote *The Scarlet Pimpernel*.
  - vii. The house was remodelled soon after its purchase to the design of architect Andrew N Prentice.
  - viii. Andrew N Prentice also designed Little Snowfield and Garden House for Baroness Orczy and her husband.

## 1. Introduction (continued)

- b. The curtilage to the Snowfield Estate is shown on the previous page where:
- i. The dashed line forms part of its boundary and the north-western extent of the Bearsted Conservation Area.
  - ii. The Conservation Area was enlarged in 1999 to include the area around Snowfield.
  - iii. The dotted line indicates the remainder of the curtilage of Snowfield.
  - iv. The original curtilage extended to some 6 acres, as shown on the 1840 Tithe Map, but this increased to 15 acres in 1890 when Henry Tasker purchased additional land for the property.
  - v. The current curtilage enclosed by the dashed and dotted lines amounts to some 14 acres, which equates to the tithe area and the additional land purchase.
  - vi. Snowfield was awarded Grade II listed status on 20<sup>th</sup> July 1984.
- c. The Coach House sat within the curtilage of Snowfield at the time of its listing.



- i. It does not appear on the Ordnance Survey map of 1865 but is evident on the 1895 revision, shown above, at which time it was joined to Cow House.
- ii. It was clearly constructed for Henry Tasker and formed part of the Snowfield Estate.
- iii. Maidstone Borough Council's Bearsted Conservation Areas Appraisal & Management Plan makes mention of the estate on page 28.

*"The Snowfield site is indicative of a historical village estate landscape. The main house lies within semi-formal landscaped grounds which include mature specimen trees and views over the North Downs. **Many of the former estate buildings – including service structures – are still found on the site.**" (Emphasis added)*

## 1. Introduction (continued)

- iv. Any pre-1948 structure that formed part of the land and was within the curtilage of the principal listed building at the date of listing and was ancillary to the principal building is considered to be part of the listing.
- v. This test was first proposed in the Attorney-General ex rel. Sutcliffe and Others v. Calderdale BC, 1982
- vi. Therefore the use or function of the relevant buildings, again both historically and at the date of listing, is seen as relevant.
- vii. The current planning application is insufficient as it should not only have included the demolition of a non-listed building within a conservation area but it should also have required a listed building submission.
- viii. In addition Coach House is regarded as a Non-Designated Heritage Asset and the planning application for its conversion in 2005 is noteworthy.

*05/1128 **An application for listed building consent** for the demolition of glasshouses and parts of the Snowfield outbuildings, conversion of cowshed to a dwelling, including alterations **and extension, minor internal and external alterations to the coach house** and re-alignment of garden wall to improve visibility splays. (Emphasis added)*

- ix. Planning permission was granted on 26<sup>th</sup> July 2005 and the following condition number 3 forming part of that approval is relevant.

*Prior to the commencement of the development, full details of the following matters must be submitted to and approved in writing by the Local Planning Authority:-*

1. *New external joinery in the form of large scale drawings.*
2. *Details of the proposed rooflights which shall be 'conservation' type.*
3. **New internal joinery in the Coach House in the form of large scale drawings.** (Emphasis added)

## 2. Failure to satisfy policy requirements

a. The submitted information is at variance with the requirements of both National and Local Planning Policies.

b. Those policies are:

### **Maidstone Borough Local Plan (Adopted 25<sup>th</sup> October 2017)**

i. SP 17	Countryside
ii. SP 18	Historic environment
iii. DM 1	Principles of good design
iv. DM 4	Proposals affecting designated and non-designated heritage assets
v. DM 30	Design principles in the countryside
vi. DM 32	Rebuilding and extending dwellings in the countryside

### **National Planning Policy Framework**

i. 185	Conservation of the historic environment
ii. 189	Significance of affected heritage assets
iii. 193	Impact on designated heritage assets
iv. 194	Harm to heritage assets
v. 196	Less than substantial harm
vi. 197	Significance of a non-designated heritage asset

c. Full details of these policies are included in section 6 of this document.

d. The definition of harm to an asset.

- i. There are only three accepted levels of harm that could be caused to a designated or non-designated heritage asset and these are substantial, less than substantial and none.
- ii. The use of substantial and none is generally obvious, although there are exceptions. For example the total demolition of an asset would cause substantial harm whilst the demolition of a later and incongruous addition could be judged as causing no harm whatsoever.
- iii. Less than substantial harm is more difficult to quantify and is sometimes incorrectly seen as meaning minor or inconsequential.
- iv. The use of less than substantial harm covers a wide spectrum and in this regard the less than substantial harm caused to the setting of Snowfield and Garden House could be viewed as being less significant than the less than substantial harm caused to Snowfield Cottage.
- v. Less than substantial harm can be acceptable if it results in a public benefit that delivers economic, social or environmental objectives.
- vi. The submitted proposal would only result in a benefit to the applicant and therefore the less than substantial harm is unacceptable.

### 3. Impact

- a. The proposal would have an unacceptable impact on the Bearsted Conservation Area and impact those properties listed in the following table.
  - i. The value to the character of the area has been taken from the Bearsted Conservation Areas Appraisal & Management Plan, adopted in March 2010.
  - ii. The impact is an assessment of the impact of the proposal on the surrounding properties.
  - iii. Little Snowfield was afforded Grade II listing after the adoption of the Appraisal and Management Plan.
  - iv. The properties are marked on the map on page one of this document.

Property	Listing	Value	Impact
Snowfield	Grade II	Essential	High
Garden House	Grade II	Essential	High
Little Snowfield	Grade II	Essential	Low
The Lodge	Unlisted	Essential	Low
Snowfield Cottage	Grade II	Essential	Severe
The White Horse	Grade II	Essential	Low
Cliftonville & Rosherville	Unlisted	Positive	Severe
The Retreat & Parsons Cottage	Unlisted	Positive	High
The Haven & Fair View	Unlisted	Positive	High
Cow House	Unlisted	Positive	Severe
Coach House	Unlisted	Positive	N/A
3 Oak Croft	Unlisted	Neutral	Severe
4 Oak Croft	Unlisted	Neutral	High

### 3. Impact (continued)

b. The Conservation Area beyond the Snowfield curtilage.

- i. The proposal would be clearly visible from various locations on The Green which is regarded as the jewel in the crown of the Conservation Area.



*(Google Maps)*

The rear of the Coach House from the viewpoint shown on page 1.



*(A Kilbey)*

Areas on and around The Green from where the Coach House is clearly visible.

### 3. Impact (continued)

#### c. The properties.

- i. The scale and form of the proposal is covered in Section 3 of this document, where it is compared to the existing Coach House.
- ii. The following is an assessment of the impact on the individual properties listed on page 5 of this document.
  - **Snowfield**  
Although located some 140 metres to the west the proposal would impact on the setting of this Grade II listed building.
  - **Garden House**  
Located some 120 metres to the west the proposal would impact on the setting of this Grade II listed building.
  - **Little Snowfield and The Lodge**  
The impact is judged as being relatively low because of separation and topography.
  - **Snowfield Cottage**  
Within 30 metres of the rear of Snowfield Cottage the two proposed dwellings would severely impact the setting of this Grade II listed property.  
They would overwhelm it due to their scale and form, exacerbated by their formation levels being some 4 metres above that of Snowfield Cottage.  
There would be a loss of amenity together with unacceptable overlooking from the vastly increased first floor glazed areas and from the proposed second floor windows.
  - **The White Horse**  
The impact is judged as being relatively low because of separation and topography.
  - **Cliftonville and Rosherville**  
Although unlisted the impact would be similar to that suffered by Snowfield Cottage.
  - **The Retreat and Parsons Cottage**  
These properties would suffer a slightly reduced impact when compared to Cliftonville and Rosherville due to their increased separation from the proposal.
  - **The Haven and Fair View**  
As per The Retreat and Parsons Cottage.
  - **Cow House**  
The dwellings would overwhelm Cow House.  
There would also be a loss of amenity and overlooking.
  - **3 Oak Croft**  
Similar to Cow House although the overwhelming would reduce because of the existing form of number 3.
  - **4 Oak Croft**  
As per number 3 but slightly reduced due to increased separation.

### 3. Impact (continued)



*(Right Move)*

Snowfield Cottage, Cliftonville and Rosherville as viewed from the rear of Coach House and highlighting their lower formation level.



*(Right Move)*

The Coach House on elevated ground and adjacent to the subservient Cow House.

### 3. Impact (continued)



*(Google Maps)*

Snowfield Cottage and Cow House from Yeoman Lane



*(Google Maps)*

An aerial view of Cow House, The Coach House, 3 Oak Croft and Snowfield Cottage as viewed from the south.

## 4. The Proposal

- a. The submitted Heritage Statement fails to take account of the requirements of local policies SP 18 and DM 4 or of NPPF paragraphs 189, 193, 194 and 196.
  - i. Although Section 3 of the Heritage Statement (Listed building *(sic)* ) describes the three listed buildings closest to the proposal it fails to take into account that the Coach House is within the curtilage of Snowfield, as is Garden House.
  - ii. Section 4 of the Heritage Statement, (Summary and impact of alterations) is disingenuous when it suggests that:
 

*“The proposal is to demolish the existing building and create two 5 bedroom homes. **The proposed dwellings are designed to be sympathetic to the conservation areas and does not have any adverse affect on the conservation area or surrounding listed buildings.**”* *(Emphasis added)*
- b. The planning application should have been supported by an application for listed building consent.
- c. The proposal would result in the loss of a Non-Designated Heritage Asset.
- d. It would cause less than substantial harm to the setting of Grade II listed Snowfield and Garden House.
- e. It would cause less than substantial harm to the setting of Grade II listed Snowfield Cottage and lead to increased overlooking and loss of amenity.
- f. The submitted Design and Access Statement is misleading as follows;

### **1.2 The Building & Local Area**

*“hidden cul-de-sac”*

The Coach House occupies a prominent position and is clearly visible from multiple locations on and around The Green.

*“Oak Croft contains 4 properties three of which are relatively new”*  
Cow House, 1 Oak Croft, although extended after 2005, was constructed at the same time as the Coach House.

*“The existing detached dwelling is a 19th century structure used as a farm building from the Snowfield Estate.”*

Although there is no evidence that the Snowfield Estate buildings were ever constructed for farm use, the original Snowfield being built about 1839 for a Barrister, the Coach House is regarded as a Non-Designated Heritage Asset.

### **1.5 Supporting Planning Statement related to Council Policies**

*“In respect to Government Policy we feel our proposals have no undue effect of detriment on the surrounding buildings or to the conservation area.”*

The impact of the proposal is assessed as either high or severe to the listed properties in the immediate area (Section 2 of this document refers) and a more detailed assessment of the impact on Cow House, Snowfield Cottage and 3 Oak Croft follows within this section.

## 4. The Proposal (continued)

*“The proposed construction materials are in keeping with the scale, style and location of the existing dwellings in the area.”*

The issue of scale follows within this section.

*“The character of the conservation area will not be significantly changed as the development site is concealed along a semi-private road.”*

Refer to 4.f.1.2 on the previous page.

### 3 Amount

*“Each proposed dwelling footprint would be 102 square metres. The existing footprint of the current bungalow (sic) to be replaced is about 123 square metres. This equates to a very modest increase from the existing footprint”*

Whilst the areas of existing and proposed footprints are not disputed the increase from 123 to 204 m<sup>2</sup> amounts to some 66% which is far from modest by any yardstick.

Additionally local policy DM 32 1.iv refers specifically to mass and volume and paragraph 8.7 of the description of that policy states that *“The volume of new development will be more critical than its footprint”*

The issue of volume follows within this section.

*“It is proposed to match the building heights of the adjacent properties 3 & 4 Oak Lane (sic) which is marginally taller than the existing ridge height of No.2. The new units will be making full use of the roof space and its 4 new dormer windows. The proposed new house will provide an overall gross internal floor area of around 223 sq. meters (sic) without having a significant adverse impact on the character of the street scene, the rural area, or the neighbours and other existing neighbouring properties in the area.”*

This paragraph omits to mention the impact of the proposal on the subservient Cow House which is immediately adjacent to Unit 1.

### 5 Scale

*“The new proposed dwelling has been designed to neatly fit within the existing landscape. So as to minimize the impact of the proposals the footprint has been kept as small as possible.”*

The scale of any development is judged by the scale and mass of its elevations rather than its footprint when assessing impact.

The issue of scale of the elevations follows within this section.

## 4. The Proposal (continued)

### 7 Access Component

*“Along with four new parking spaces.”*

Although the provision meets the minimum of 2 independently accessible spaces per unit as laid down in the approved vehicle parking standards published by Kent Highway Services for a village location this takes no account of the following:

The submitted details show four parking spaces to the front of the two dwellings together with the retention of two spaces adjacent to Unit 1.

This would result in the loss of much of the current green space, to the detriment of the visual amenity of the area.

Oak Croft is a private road with a carriageway width of some 3.5 metres.

An average car is some 1.96 metres wide, excluding wing mirrors, making passing impossible.

On street parking by occupants and visitors would effectively block Oak Croft with verge parking almost inevitable.

Both would invariably lead to disputes with neighbours and the Oak Croft (Bearsted) Management Company Limited.

### 7 (sic) Appraising the Context

*“This proposal does not appear to undermine any local planning policies. We feel that the proposed alterations will not have any major impact on the current street scene or radically affect the existing architectural form or character of the area.”*

The proposal fails to address both Local and National Planning Policies.

The sheer bulk of the front elevations will impact the street scene when viewed from Oak Croft.

The bulk of the rear elevations will impact on the street scene when viewed from The Green and on the directly affected properties which front The Green.

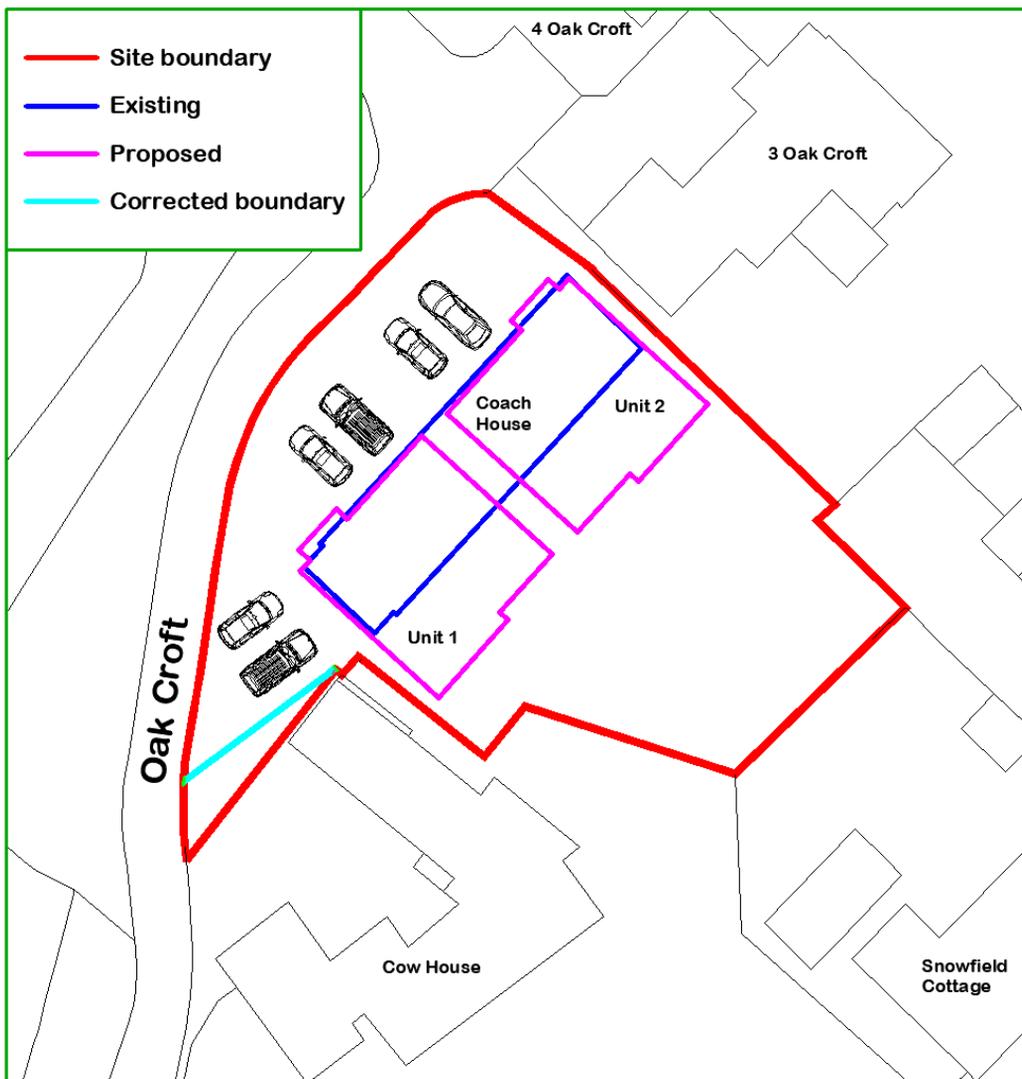
Whilst the architectural design would be seen as acceptable within a housing development the same could not be said for a location within a Conservation Area and within the setting of listed buildings.

Their scale, form and bulk would be detrimental, particularly with regard to Snowfield Cottage and Cow House, and this effect is exacerbated by the close proximity of the proposed units 1 and 2.

## 4. The Proposal (continued)

### d. The footprints

- i. The proposed footprints are some 66% greater than the existing.
- ii. This figure is based on the actual footprints in accordance with the submitted drawings.



The outlines shown above are at roof level and therefore the projection at the south western end of Coach House is a canopy above the garage doors and not part of a true footprint.

For actual footprint outlines please refer to Part f of this section.

The corrected boundary reflects the land registry entry for Cow House.

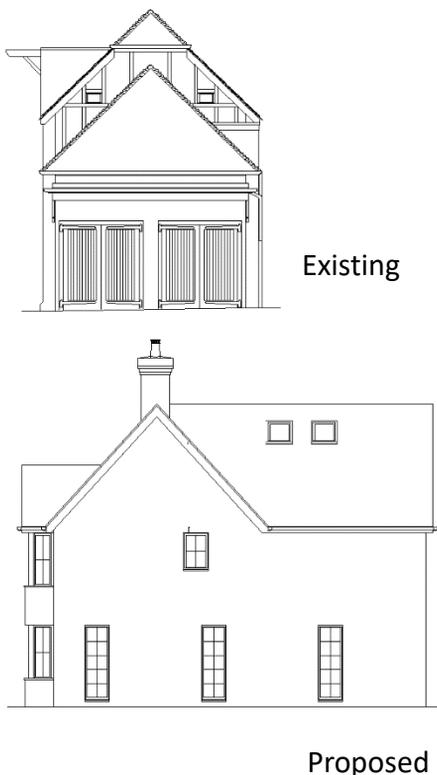
## 4. The Proposal (continued)

### e. Scale of the elevations

- i. Although marginally different due to the topography of the site the combined front and rear elevations are both some 25% greater than those of the current Coach House



- ii. The existing asymmetric and graduated roof form of the Coach House is sympathetic to the two adjacent properties.
- iii. The proposal presents a much larger mass when viewed from 3 Oak Croft.
- iv. The mass of Unit 1 overwhelms the subservient Cow House.
- v. The cramping of Units 1 and 2 is unacceptable.
- vi. The mass is exacerbated by the depth of the proposal, as illustrated below.



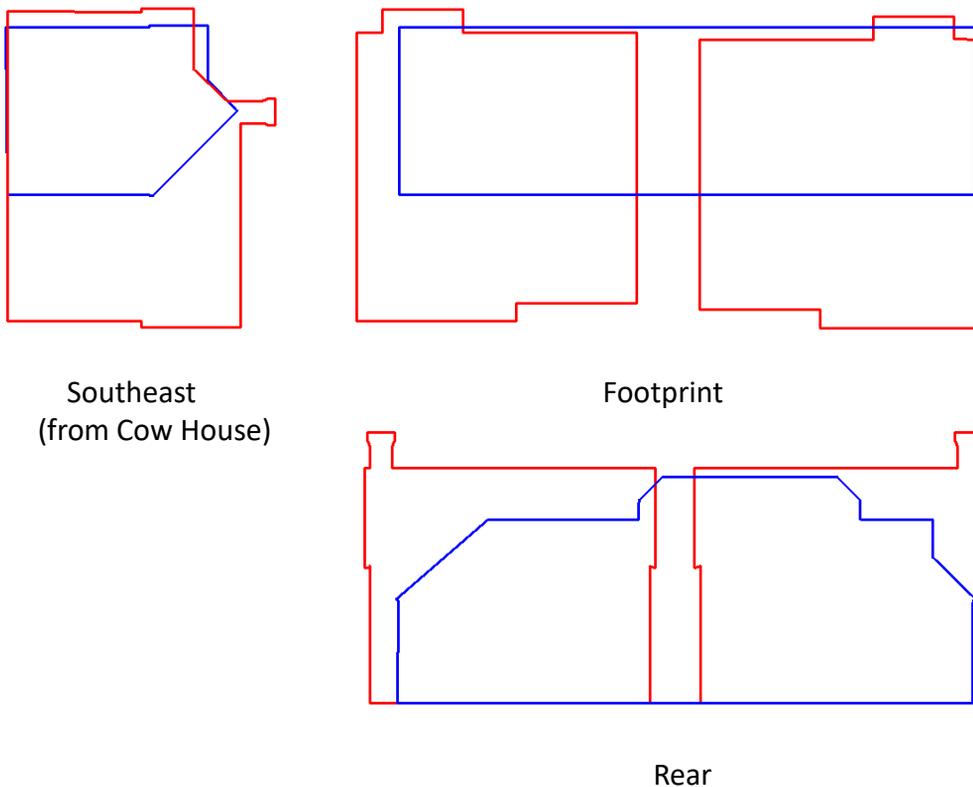
The side elevations as seen from Cow House.

- vii. The existing and proposed are correctly aligned with each other.
- viii. The existing presents a hipped end whereas the proposal has a full gable with a pitch to its rear.
- ix. The area of Coach House is 42.4 m<sup>2</sup>
- x. The proposal is 89.6 m<sup>2</sup>
- xi. This dominant elevational area of the proposal is some 111% greater than the existing.

## 4. The Proposal (continued)

### f. The volume

- i. The outlines shown below are to scale with each other and indicate Coach House in blue and Units 1 and 2 of the proposal in red.
- ii. Outlines are aligned to show their correct positions relative to each other.



- i. The volume of Coach House is some 670 m<sup>3</sup>
- ii. Units 1 and 2 each have a volume of some 776 m<sup>3</sup>
- iii. The combined volume of Units 1 and 2, at some 1552 m<sup>3</sup>, is an increase of 882 m<sup>3</sup>, an additional 131.6%.
- iv. This massive increase in volume, together with the percentage increases of the elevations, challenges the statements contained in sections 3 and 5 of the submitted Design and Access Statement.

## 4. The Proposal (continued)

### g. Overlooking

- i. The increased fenestration to the rear elevations will lead to loss of amenity and overlooking of Snowfield Cottage from Units 1 and 2.
- ii. This also applies to Cliftonville and Rosherville, particularly from Unit 2.
- iii. As the northeast boundary to Cow House is stepped at a point approximately 4 metres from the rear of Unit 1 this property will also suffer loss of amenity and overlooking.



- iv. The views currently afforded by the three dormers to Coach House are restricted by the depth of the dormer cheeks and the limited amount of glazing.
- v. Glazing to the remaining three vertical windows is smaller still and their cills are elevated when compared to the dormers.
- vi. The two rooflights do not afford a view of the adjacent properties.

#### 4. The Proposal (continued)



*(Right Move)*

The relatively restricted view of Snowfield Cottage from a first floor dormer window in coach House

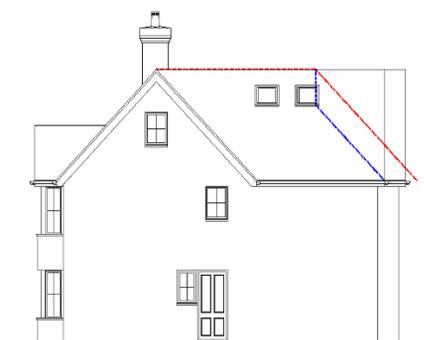
- vii. The submitted drawings have been used to determine the areas of the existing and proposed glazing to the rear elevations.
  - a. The first floor glazing will increase by an additional 675%.
  - b. The cill heights of the proposed windows are not dissimilar to the current dormer cill heights.
  - c. If the central window of each unit is ignored, as they serve bathrooms, there will be an additional 572% of clear glazing.
  - d. These remaining windows to the proposal serve bedrooms.
  - e. Whereas dormer windows limit viewing angles, because of the depth of their cheeks, the windows to the rear elevation will provide panoramic views.
  - f. The glazing to the second floor is some 210% of the current first floor.
  - g. They would be positioned some 2.5 metres higher than the first floor windows and thus allow for greater overlooking.

## 4. The Proposal (continued)

### h. Inaccuracy of the submitted drawings

- i. The drawings contain a number of inaccuracies, for example:
  - a. Incorrect scale notation.
  - b. The omission of the porch roof above the front door where this is shown in the front elevation but omitted from the relevant side elevation and the first floor and second floor plans.
  - c. There is no clear indication of the flat roof located between the two gables facing the rear, and this is covered below.
- ii. As the flat roof has major implications with regard to the rear of the two proposed properties a cross section should have been provided with the application so as to highlight those implications to the local planning authority and to members of the public.
- iii. The submitted Proposed Block Plan is overly cluttered as it combines ground, second floor and roof details.
- iv. An appraisal of this plan, together with the proposed rear elevations, indicates that two alternatives would be possible, both of which would further exacerbate the impact of the proposal.
- v. It is apparent that the flat roof is located at the same level as the main roof ridge, which runs southwest to northeast.
- vi. The depth of the flat roof is also evident and it would extend about 4.9 metres from the main ridge and towards the rear of the properties.
- vii. Alternative 1 – Mirroring the pitches of the other roofs.
  - a. The Design and Access Statement clearly states in Section 5 (Scale) that the roof pitch will be 47.5 degrees.
  - b. This could only be maintained on the infill between the two rear gables by the introduction of a vertical element.
  - c. This vertical element would be evident on the rear elevation.
  - d. The following graphic illustrates the issue.

On the side elevation the red line indicates the extent of the flat roof and with the infill terminating at the back edge of the flat roof. This is not possible as it would oversail the eaves. The blue line shows the only available option and this would mean that a vertical component would be introduced which is shown as a yellow panel on the rear elevation.



Side elevation / section

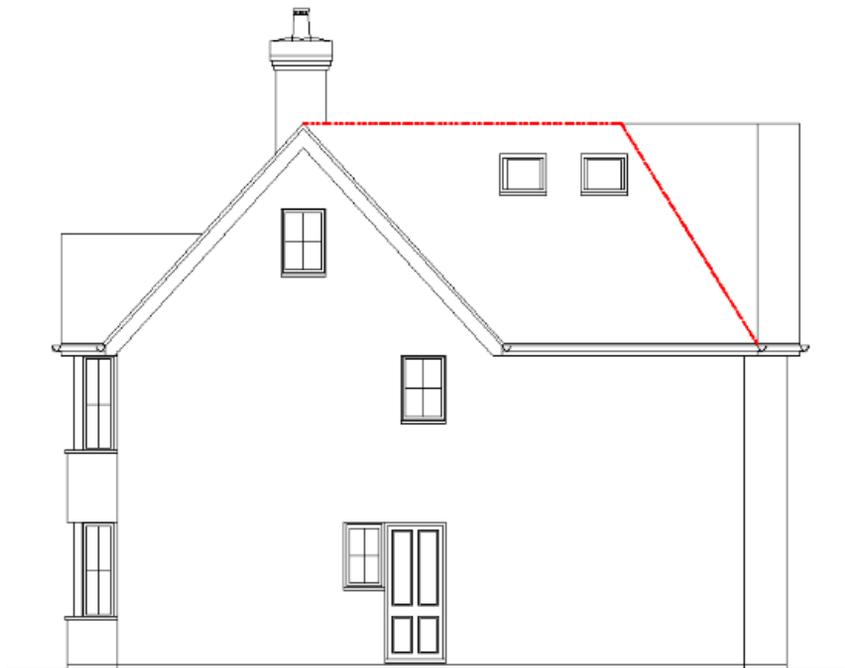


Rear elevation

## 4. The Proposal (continued)

### viii. Alternative 2 – Increasing the pitch of the infill.

- a. In order for the infill to run from the eaves to the rear edge of the flat roof it would have to be pitched at approximately 60 degrees.
- b. Whilst 3 and 4 Oak Croft have roofs that are pitched at about 47 degrees the vast majority of dwellings in the immediate area have roofs set at what is regarded as the “perfect pitch” of 45 degrees.
- c. This steep pitch would be at variance with the Design and Access Statement.
- d. Its inclusion would further emphasise the poor design of the proposal.
- e. The visual impact of two roofs of different pitches intersecting with each other is aesthetically unacceptable.
- f. The following graphic illustrates the issue.



Side elevation / section

## 5. Conclusions

- a. The applicant should be required to submit a listed building application.
- b. Coach House is regarded as a Non-Designated Heritage Asset within the Bearsted Conservation Area and the proposal would require its demolition and thus result in substantial harm.
- c. The proposal fails to meet numerous requirements of both Local and National Planning Policies.
- d. The design would be detrimental and harmful to the Conservation Area.
- e. The style, bulk, mass, form and cramping is wholly inappropriate in this valued and sensitive area.
- f. The proposal would overwhelm the adjacent Cow House.
- g. It would cause less than substantial harm to the setting of Snowfield and Garden House which are both Grade II listed.
- h. It would cause less than substantial harm to Snowfield Cottage, which is Grade II listed, and lead to loss of amenity and overlooking of this property.
- i. The less than substantial harm caused cannot be weighed against any public benefits arising from the proposal as there are none.
- j. It would lead to loss of amenity and overlooking of properties to the north of Snowfield Cottage.
- k. The Bearsted and Thurnham Society requests that Maidstone Borough Council refuses this poorly conceived and inappropriate application.

## 6. Planning Policy

Emphasis has been added throughout this section.

### a. Maidstone Borough Local Plan, adopted October 2017

The proposal fails to meet the requirements of the following paragraphs and policies set down in the Local Plan. (Emphasis added)

#### SP 17 Countryside

4.105 The countryside is a sensitive location within which to integrate new development and **the council will expect proposals to respect the high quality and distinctive landscapes** of the borough in accordance with policy DM30. In order to assist in the successful integration of new development into the countryside the council will ensure Landscape and Visual Impact Assessments are carried out as appropriate to assess suitability and to aid and facilitate the design process.

#### Policy SP 17

The countryside is defined as all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policies map.

1. Development proposals in the countryside will not be permitted unless they accord with other policies in this plan **and they will not result in harm to the character and appearance of the area.**

#### SP 18 Historic Environment

4.119 The diversity of **heritage assets is recognised through designations made at the national level by Historic England** such as listed buildings, scheduled ancient monuments and registered parks and gardens and also those **identified more locally such as conservation areas**, the parks and gardens included in the Kent Gardens Compendium and locally listed buildings. **The term 'heritage asset' is defined in the NPPF and, in addition to these 'designated' assets, encompasses features of more localised significance, so called 'non-designated' heritage assets.**

#### Policy SP 18

To ensure their continued contribution to the quality of life in Maidstone Borough, the **characteristics, distinctiveness, diversity and quality of heritage assets will be protected** and, where possible, enhanced. This will be achieved by the council encouraging and supporting measures that secure the sensitive restoration, reuse, enjoyment, **conservation and/or enhancement of heritage assets**, in particular designated assets identified as being at risk, to include:

## 6. Planning Policy (continued)

- II. Through the development management process, securing the sensitive management and **design of development which impacts on heritage assets and their settings;**
- IV. Ensuring **relevant heritage considerations are a key aspect** of site master plans prepared in support of development allocations and broad locations identified in the local plan.

### DM 1 Principles of Good Design

6.1 **Good design is the fundamental principle underpinning good planning. It has a very important impact upon the quality of the environment** and the way in which places function. The NPPF places great emphasis upon **raising the quality of the built, natural and historic environment** and the quality of life in all areas. It attaches great importance to the securing of high quality design and seeks to ensure that all development contributes to making places better for all.

6.2 The council aspires to achieve high quality design throughout the borough, and policy DM1 seeks to manifest this aim and will be used to assess all development requiring planning permission. **In order to achieve high quality design, the council expects that proposals will positively respond to and, where appropriate, enhance the character of their surroundings. It is important that development contributes to its context.**

6.3 Key aspects of built development **will be the scale, height, materials, detailing, mass, bulk** and site coverage. **These features should relate well, and respond positively, to the context in which they are seen.** Good design should also address the functioning of an area, including accessibility to all, linkages to local services, and issues of crime. **New development should integrate well into the built, natural and historic environment** and should address the connections between people and places, including vehicle and pedestrian movement.

6.5 In assessing the appropriateness of design, **the council will have regard to adopted Conservation Area Appraisals and Management Plans**, Character Area Assessments and the Kent Design Guide, which provide specific information about local character and distinctiveness and give guidance on design principles. Regard will also be given to the Kent Downs Area of Outstanding Natural Beauty Management Plan.

6.6 **Proposals which fail to take opportunities to secure high quality design will be resisted.**

## 6. Planning Policy (continued)

### Policy DM 1

Proposals which would create high quality design and meet the following criteria will be permitted:

- ii. Respond positively to, and where possible **enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk,** articulation and site coverage - incorporating a high quality, modern design approach and making use of vernacular materials where appropriate;
- iv. Respect the **amenities of occupiers of neighbouring properties** and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, **overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy** or light enjoyed by the occupiers of nearby properties;
- vi. Provide **a high quality design which responds to areas of heritage,** townscape and landscape value or uplifts an area of poor environmental quality;
- xiii. Provide **adequate vehicular** and cycle **parking** to meet adopted council standards;

### DM 4 Development Affecting Designated and Non-Designated Heritage Assets

6.29 The Planning (Listed Buildings and Conservation Areas) Act 1990 **provides specific protection for buildings** and areas of **special architectural or historic interest**. When making a decision **concerning a listed building or its setting, the council must 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. The Act also places the duty on the council in making its decisions to **pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas in the borough.**

## 6. Planning Policy (continued)

6.30 The local plan allows some flexibility for the re-use and conversion of historic assets but **care must be taken to ensure this does not lead to unacceptable adverse impacts.** Small scale changes over time, especially the standardisation of building materials and practices, **can erode the special character and appearance of places, and the setting of historic features such as listed buildings** and scheduled monuments, which can be crucial in maintaining historic integrity.

6.31 Policy DM1 provides clear guidelines about the need for development to be planned and designed in a manner which **appropriately responds to its historic context and, where possible, positively enhances the historic character of the locality.** Character analysis is provided in supporting documents such as **the conservation area management plans**, the Landscape Character Assessment and the specific Character Area Assessment SPDs.

6.32 **Where development is proposed for a site which includes or has the potential to impact on heritage assets, developers must submit an appropriate heritage assessment which analyses the direct and indirect effects of development on those assets.** Significance can be defined in this context as the value of a heritage asset to this and future generations because of its heritage interest which may be historic, archaeological, architectural or artistic. **Significance derives not only from the heritage asset's physical presence but also from its setting.**

### Policy DM 4

1. Applicants will be expected to **ensure that new development affecting a heritage asset incorporates measures to conserve,** and where possible **enhance, the significance of the heritage asset** and, **where appropriate, its setting.**
2. Where appropriate, development proposals **will be expected to respond to the value of the historic environment** by the means of a proportionate Heritage Assessment which assesses and takes full account of:
  - i. **Any heritage assets, and their settings, which could reasonably be impacted** by the proposals;
  - ii. The **significance of the assets**; and
  - iii. The **scale of the impact of development on the identified significance.**

## 6. Planning Policy (continued)

4. The council will apply the relevant tests and assessment factors specified in the National Planning Policy Framework when determining **applications for development which would result in the loss of, or harm to, the significance of a heritage asset and/or its setting.**

### DM 30 Design Principles in the Countryside

8.1 The achievement of high quality design in all developments is important. In addition to the requirements of policy SP17, **where development is proposed in the countryside the design principles set out in policy DM30 must be met.**

### Policy DM 30

Outside of the settlement boundaries as defined on the policies map, proposals which would create high quality design, satisfy the requirements of other policies in this plan and meet the following criteria will be permitted:

- i. The type, siting, materials and design, **mass and scale of development** and the level of activity would maintain, or where possible, **enhance local distinctiveness** including landscape features;
- v. Where an extension or alteration to an existing building is proposed, it would be of a scale which relates sympathetically to the existing building and the rural area; respect local building styles and materials; have no significant adverse impact on the form, appearance or setting of the building, **and would respect the architectural and historic integrity of any adjoining building or group of buildings of which it forms part.**

### DM 32 Rebuilding and Extending Dwellings in the Countryside

8.7 In appropriate circumstances, the council will support the rebuilding of a lawful residential dwelling or an extension to an existing dwelling. In considering such proposals, **the council will have particular regard to the mass and visual prominence of the resulting building, including the cumulative impact of such changes. The volume of new development will be more critical than its footprint.**

8.8 The term 'original dwelling' refers to the dwelling as it was on 1st July 1948 or, if built later, as it was when first erected and granted planning permission.

## 6. Planning Policy (continued)

### Policy DM 32

1. Outside of the settlement boundaries as defined on the policies map, proposals for the replacement of a dwelling in the countryside which meet the following criteria will be permitted:
  - iv. **The mass and volume of the replacement dwelling is no more visually harmful than the original dwelling;**
  - v. The replacement dwelling would **result in a development which individually or cumulatively is visually acceptable in the countryside;**

### b. National Planning Policy Framework.

The proposal fails to meet the requirements of the following paragraphs of the NPPF 2019. (Emphasis added)

185. Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

- c. the desirability of new development **making a positive contribution to local character and distinctiveness**

189. In determining applications, local planning authorities should require an applicant to **describe the significance of any heritage assets affected, including any contribution made by their setting.** The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

193. 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 (and the more important the asset, the greater the weight should be). **This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.**

## 6. Planning Policy (continued)

194. Any **harm to**, or loss of, **the significance of a designated heritage asset** (from its alteration or destruction, or **from development within its setting**), **should require clear and convincing justification**.
196. Where a **development proposal will lead to less than substantial harm** to the significance of a designated heritage asset, **this harm should be weighed against the public benefits of the proposal** including, where appropriate, securing its optimum viable use.
197. The effect of an application **on the significance of a non-designated heritage asset should be taken into account in determining the application**. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.