

ADJOURNED PLANNING COMMITTEE MEETING

Date: Monday 26 April 2021

Time: 6.00 p.m.

Venue: Remote Meeting - The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website

Membership:

Councillors Adkinson, Brindle, English (Chairman), Eves, Harwood, Kimmance, Munford, Parfitt-Reid, Perry, Powell, Spooner (Vice-Chairman), Vizzard and Wilby

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

| <u>AGENDA</u> | <u>Page No.</u> |
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| 1. Apologies for Absence | |
| 2. Notification of Substitute Members | |
| 3. Notification of Visiting Members | |
| 4. Items withdrawn from the Agenda | |
| 5. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting | |
| 6. Disclosures by Members and Officers | |
| 7. Disclosures of lobbying | |
| 8. To consider whether any items should be taken in private because of the possible disclosure of exempt information. | |
| 9. 20/505808/FULL - Land Adjacent 2 School Lane, Maidstone, Kent | 1 - 11 |
| 10. 21/500698/FULL - 23 Forge Lane, Headcorn, Ashford, Kent | 12 - 18 |
| 11. 21/500849/NMAMD - Maidstone Borough Council Car Park, Corner of Union Street, Queen Anne Road, Maidstone, Kent | 19 - 23 |
| 12. Appeal Decisions | 24 |

Issued on Friday 23 April 2021

Continued Over/:



Alison Broom, Chief Executive

PLEASE NOTE

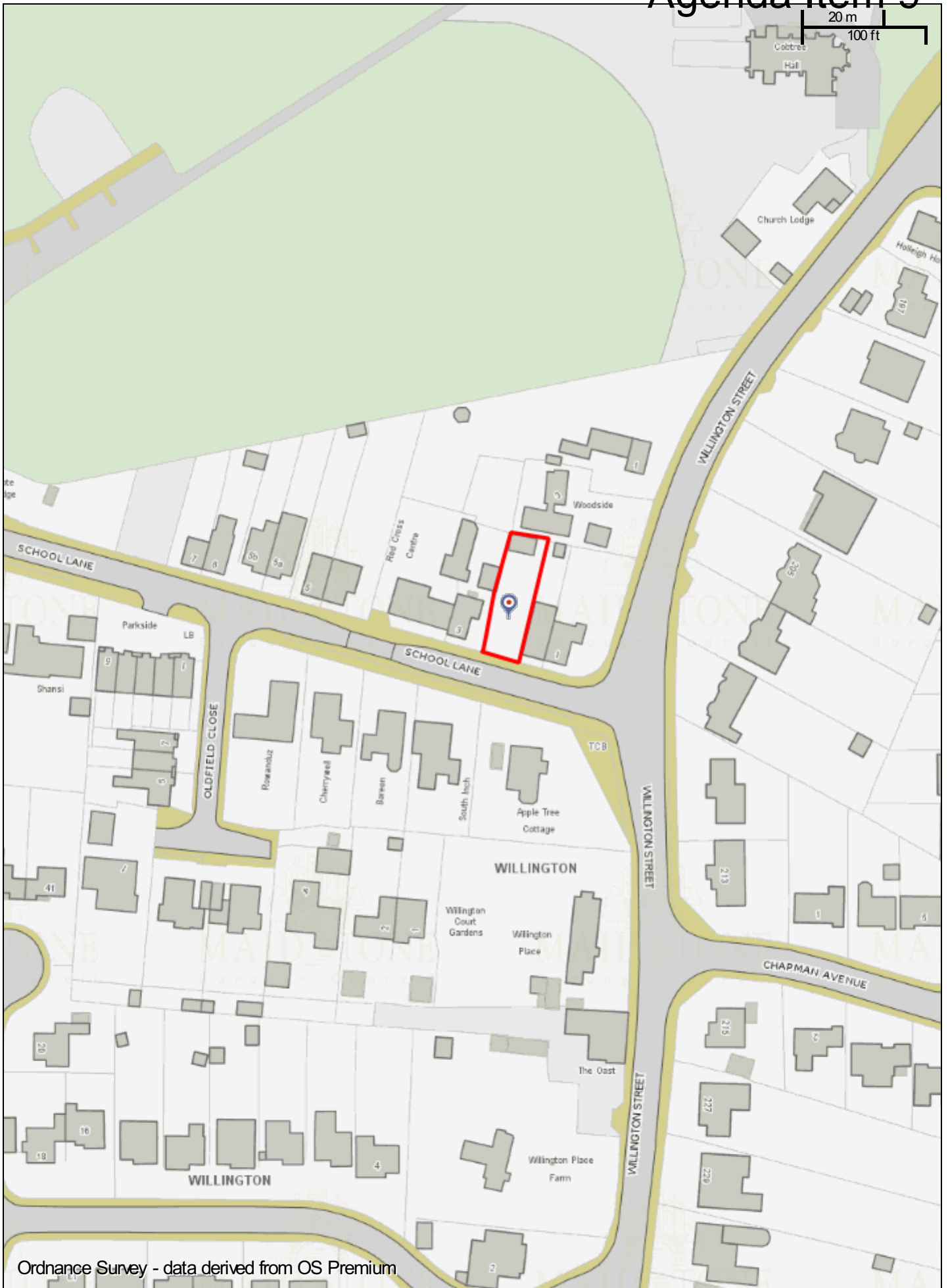
The order in which items are taken at the meeting may be subject to change.

The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.

For full details of all papers relevant to the reports on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection; please follow this link: <https://pa.midkent.gov.uk/online-applications/>

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Ordnance Survey - data derived from OS Premium

| | | |
|---|--|---|
| REFERENCE NO – 20/505808/FULL | | |
| APPLICATION PROPOSAL Section 73 - Application for variation of condition 2 (materials) and minor material amendment to approved plans condition 9 (to allow changes to materials and fenestration, the addition of solar panels and replacement of rear gable with rear dormer) pursuant to 15/506025/FULL for - New attached single residential development. | | |
| ADDRESS Land Adjacent 2 School Lane, Maidstone, Kent, ME15 8DU | | |
| RECOMMENDATION Grant planning permission subject to conditions | | |
| SUMMARY OF REASONS FOR RECOMMENDATION The amended materials and replacement rear dormer on the revised scheme is of an appropriate design, bulk and appearance. | | |
| REASON FOR REFERRAL TO COMMITTEE The Applicant is related to an employee of Maidstone Borough Council | | |
| WARD Shepway North | PARISH/TOWN COUNCIL | APPLICANT Mr M Cox AGENT Richard Architectural Designs |
| TARGET DECISION DATE 30/04/21 (EOT) | PUBLICITY EXPIRY DATE 15/02/21 | |

Relevant Planning History:

21/500756/NMAMD: To amend the incorrect description on the decision notice for permission 15/506025/FULL. The description of the development was incorrectly approved as 'New 'detached' single residential development' when the approved scheme was for an 'attached' dwelling – APPROVED

15/506025/FULL: New detached single residential development- APPROVED

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site lies within the urban area of Maidstone, comprises the side garden of 2 School Lane, being one of a pair of ragstone rendered semi detached properties sited a short distance back from the junction of School Lane with Willington Street.
- 1.02 The site was granted planning permission in 2015 under ref:15/506025/FULL for the erection of a new attached single residential development. The original permission (15/506025/FULL) was granted with the description of the development as "New detached single residential development", however, the permission was granted on revised scheme for an attached development with approved plans as listed under Condition 10 of the decision notice illustrating the revised attached scheme. This discrepancy has been amended by way of the granting of non-materials amended under ref: 21/500756/NMAMD.

2. PROPOSAL

- 2.01 This is a section 73 application to vary condition 2 and 9 of planning permission 15/506025/FULL to allow changes to materials and fenestration, the addition of solar panels and replacement of rear gable with a rear dormer.
- 2.02 Condition 2 of permission 15/506025/FULL relating to the use of facing materials states:
"Other than the timber cladding and railings the facing materials used in the development hereby permitted shall match those of the existing building at 2 School

Lane in relation to materials, style, colour, texture and, in the case of brickwork, bonding, coursing and pointing.

Reason: In the interests of visual amenity."

2.03 The approved plans as listed under condition 9 and proposed elevation drawings are shown below in Figure 1, 2 and 3. In response to the concerns raised regarding the use of full timber cladding to the new dwelling and excessive scale of the rear dormer, the Applicant provided revised scheme on 8 April 2021. In addressing these issues the current proposal in comparison to the previous approved scheme includes:

- The insertion of yellow brick section to the edge of the building and fenestrations to the front and forward side façade
- The rendering of the full yellow brickwork to the rear side and rear elevations
- Replacement of the rear gabled roof to a flat roof rear dormer
- Insertion of a ground floor side patio door and window, and a loft level side circular window
- Installation of solar panels on the roof

Figure 1. As approved and now proposed front elevation

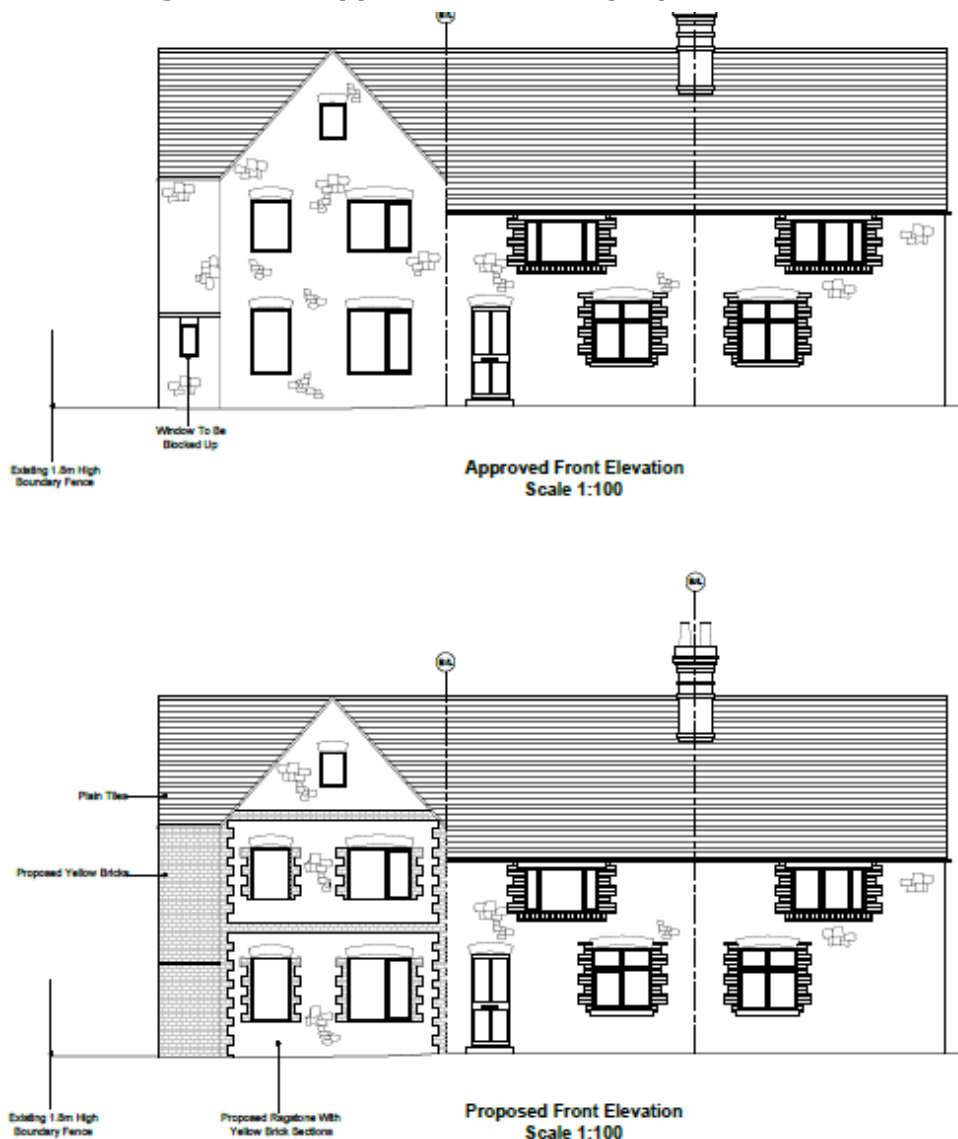
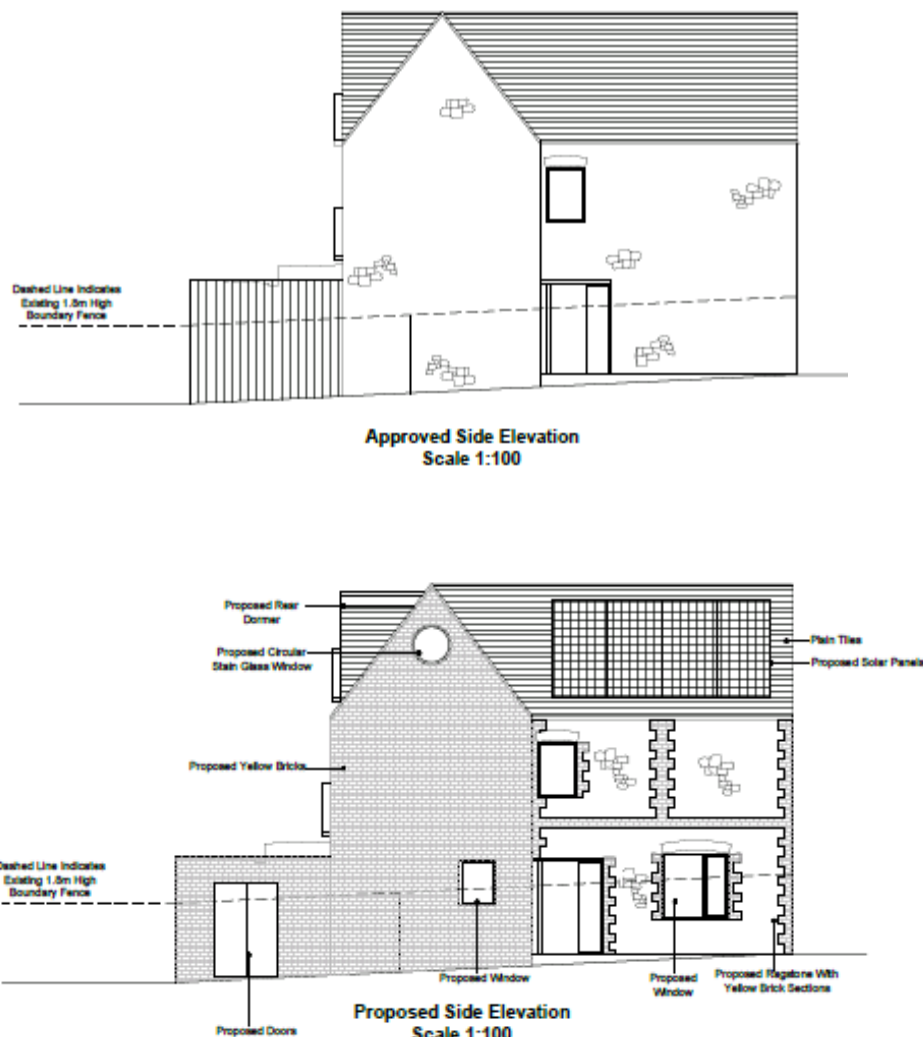


Figure 2. As approved and now proposed rear elevations



Figure 3. As approved and now proposed side elevations



3. **POLICY AND OTHER CONSIDERATIONS**

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017:
DM1- Principles of good design
DM2- Sustainable design

Supplementary Planning Documents:

- Maidstone Local Development Framework, Residential Extensions Supplementary Planning Document (adopted May 2009)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 4 representations received from local residents objecting to the proposal raising the following (summarised) issues:

| COMMENTS RECEIVED | OFFICER'S RESPONSE |
|---|--|
| <ul style="list-style-type: none"> ▪ The amended scheme with additional fenestration, floor space and elevation of the roof go beyond the remit of a S.73 application and should be encompassed within a full planning application. ▪ The proposed weatherboarding in place of the original ragstone is harmful to the visual amenity of the attached ragstone cottages and the wider streetscene ▪ The proposed side circular window is an incongruous architectural detail that is out of keeping with the character of the streetscene and adjacent dwellings ▪ The rear flat roof dormer with full height and width is an architectural travesty and also significantly overlook to adjacent residential private amenity space ▪ Neighbours were not being consulted on the revised scheme | <ul style="list-style-type: none"> ▪ There is no statutory definition for what constitute a 'minor material amendment'. The assessment of this current S73 application on the amended proposal would be the same as it would be assessed under a full planning application. ▪ The Applicant has provided on revised scheme to retain the use of ragstone on the front and part side elevations as much as possible with the insertion of matching yellow brick to the host cottage. ▪ The design aspects of fenestration would be discussed in the appraisal section below. ▪ The Applicant has provided on revised scheme sufficient set back from eaves and set down from ridge for the rear dormer. The matter of overlooking would be discussed in the appraisal section below. ▪ There is no statutory requirement for further public consultation. Notwithstanding this situation, neighbours can still submit their comments and they will also be given opportunity to present their comment on Planning Committee if they wish to to ensure their representation are being considered for the determination of the application by Members. |

5. CONSULTATIONS

5.01 KCC Highways

Does not meet the criteria to warrant involvement

6. APPRAISAL

Main Issues

6.01 The application seeks a minor material amendment to the previously approved application (15/506025/FULL). This to allow the amendment of condition 2 to allow a change in external materials and to condition 9 for the design of the replacement roof dormer, insertion and modification of fenestration and solar panel.

6.02 The principle of development for the new dwelling has been established and approved, the acceptability of the proposed amendment to the approved scheme will therefore be based on its visual and amenity impact subject to the criteria of DM1 and DM9 of the Local Plan.

Visual amenity

6.03 Local Plan Policy DM1 seeks to achieve high quality design in all development proposals, and to achieve this, the Council expects proposals to positively respond to, and where appropriate enhance the character of their surroundings. The key aspects of a development proposal are its scale, height, materials, detailing, mass, bulk and site coverage.

6.04 Local plan policy DM9 seeks to permit the extension of dwellings where the scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street scene and/or its context, the traditional boundary treatment of an area would be retained and, where feasible, reinforced, the privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded; and sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene.

6.05 The Applicant has stated in the submitted cover letter it is financially unviable to use full ragstone and Kent peg tiles for the implementation of the approved scheme. On further email correspondence, the Applicant has stated the construction of ragstone walls are basically solid wall, under building regulations now there must be a cavity wall which is not possible with a full ragstone wall so the new ragstone buildings will need to have brick sections with the ragstone infilling between to achieve a cavity wall. Given the financial and architectural restrictions, it is reasonable to find appropriate alternatives for the implementation of the approved new dwelling.

6.06 The replacement of the approved ragstone building to full timber cladding was originally submitted for consideration. The Applicant submitted a revised scheme on 8 April 2021 demonstrating the retention of ragstone to the front and side elevations with the insertion of matching yellow bricks of adjoining ragstone cottage to the edge of the fenestrations and buildings. It is acknowledged the attached ragstone cottage has yellow bricks around the fenestration, hence the insertion of matching yellow bricks is considered to be acceptable and in keeping with the character of the ragstone cottages and would not materially deviate from the approved scheme.

6.07 The approved scheme includes timber cladding to the extended ground floor part of the new dwelling. The proposed replacement of full matching yellow brickwork to the rear side and rear elevations is considered to be sympathetic to the pair of cottages which consists of yellow brickwork, and this section of full yellow brickwork building would be significantly set back from the front elevation and not highly visible from the streetscene.

- 6.08 In regard to the replacement of a flat roof rear dormer to the approved gabled roof, the Applicant has explained the reason for the amendment is due to restricted head height of the habitable room from the gabled roof. A flat roof dormer extending in full width and height to the roof was originally submitted, this original scheme is considered to be unacceptable with an appearance of a three storey flat at the rear.
- 6.09 Officer discussion with the applicant secured a revised scheme, the rear dormer would be set down from ridge, set back from eaves and set away from the side of the roof in accordance to guidance from the Residential Extensions Supplementary Planning Document (adopted May 2009). The loss of gabled roof is not considered to materially affect the overall character of the attached dwelling given it is to the rear where it is not visible from the street and would be constructed with hanging tiles matching with the roof tiles.
- 6.10 The use of solar panels for the new dwelling is supported in the NPPF that encourages the use of green energy. The solar panels would be installed to the side roof and would not result in any harmful visual impact to the host dwelling and wider streetscene.
- 6.11 The additional side circular stain glass window in the loft would be centrally positioned under the gabled roof. The new window is proportionate to the size of the roof and the use of stain glass is not an entirely irregular feature on period buildings. It would be to side of the building significantly set back from the front. The circular windows would not be harmful to the overall character of the building and streetscene.

Residential amenity

- 6.12 Concerns have been raised by neighbours in regards to overlooking from the patio windows on the rear dormer and the three side windows. The approved scheme, as shown in Figure 2, consist of a Juliette balcony window on the loft level.
- 6.13 The proposed patio window on the rear dormer, whilst it is slightly wider, it would share similar views to the approved scheme. The amended scheme would not result in loss of privacy to neighbouring amenity space over and above what has been approved.
- 6.14 Turning to the ground floor side windows, one of which would be obscure glazed serving a WC and the proposed side patio door would be screened by the 1.8m high boundary fence to the adjacent property.
- 6.15 Overall although the relationship with neighbouring properties would be altered no undue harm would result to residential amenity and there are no grounds to warrant refusal of the application on these grounds.

7. CONCLUSION

- 7.01 The impact upon visual amenity is not significant given the use of matching yellow brickwork which is in keeping to the attached pair of ragstone cottages. The replacement rear dormer is sympathetic to the roof form.
- 7.02 The proposal would assist in the provision of an appropriately design dwelling at this sustainable location in accordance with the national and local plan policies. I do not consider there are justifiable material planning reasons to withheld granting permission.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) The materials to be used in the development approved shall be as indicated on the approved Proposed Plans and Elevations, No. PA1443/01 Rev H received on 8 April 2021 matching to those of the existing building at 2 School Lane.

Reason: In the interests of visual amenity.

(3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A (which includes the installation of any windows other than already approved) and B to that Order shall be carried out without first obtaining the permission of the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard privacy.

(4) The dwelling hereby approved shall not be occupied until the parking area to serve the proposed dwelling shown on drawing no:091 rev A has first been provided. The parking area shall be retained at all times thereafter with no impediment to its use.

Reason: In the interests of highway safety and the free flow of traffic.

(5) The dwelling hereby approved shall not be occupied until the first floor window on the side elevation has first been fitted with obscured glazing and limiters installed to ensure that no part of the window can open more than 150mm in any direction, with the window retained as such permanently thereafter. No new windows or openings shall be formed on the side elevation of the dwelling.

Reason: In the interests of privacy.

(6) The area of the proposed access and parking area within 5 metres of the back edge of the public pavement highway shall be surfaced in a bound material.

Reason: In the interests of visual amenity and pedestrian safety.

(7) Any gates to the proposed new access shall not open over the adjacent highway and shall be set back at least 5.5 metres from the edge of the carriageway.

Reason: In the interests of highway safety and the free flow of traffic.

(8) The development shall not be occupied until the existing redundant crossover has been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority.

Reason: In the interests of the safety of pedestrians and vehicles.

(9) The development hereby approved shall be carried out in accordance with the following plans being:

Proposed Plans and Elevations, No. PA1443/01 Rev H received on 8 April 2021

Reason: In the interests of amenity.

(10) Access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties.

(11) Prior to first occupation of the dwelling a scheme for the enhancement of biodiversity on the site shall be in place that is in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the development such as

native species planting or installation of bat/bird nest boxes. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

(12) The dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed with the charging point thereafter retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with the NPPF.

Case Officer: Michelle Kwok

Urgent Update for Item 14: 20/505808/FULL- Land Adjacent to 2 School Lane

- 3 further representations have been received raising the following (summarized) concern:
 - The use of yellow brick and concrete roof tiles are out of keeping to the attached pair of ragstone cottage and deviate materially from the full ragstone and kent peg tiles approved scheme.
 - The Applicant's justification for the financial and architectural constraints for the original approved scheme is misleading and untrue.
 - The final proposed plans still remain of lesser quality to that approved in 2015.

- Update to further representations received with comments from Conservation Officer;

"I don't have a major concern with the introduction of bricks alongside ragstone, although yellow bricks would be unusual in the immediate context. Buildings are generally ragstone, red brick or render on School Lane. For example, No.3 School Lane (immediately adjacent) is of the same age and style but faced in ragstone with red brick.

In my view concrete roof tiles are not an acceptable substitute for Kent peg tiles and will stand out against the adjoining roofs. There are various clay tiles available that would be an economical compromise.

I note that condition 2 requires materials to match existing, but as different materials (bricks and roof tiles) are now proposed perhaps they should be separately conditioned so samples can be agreed.

The dormer, round gable window and solar panels would have a minimal impact on the streetscape in my view."

Officer's Comment:

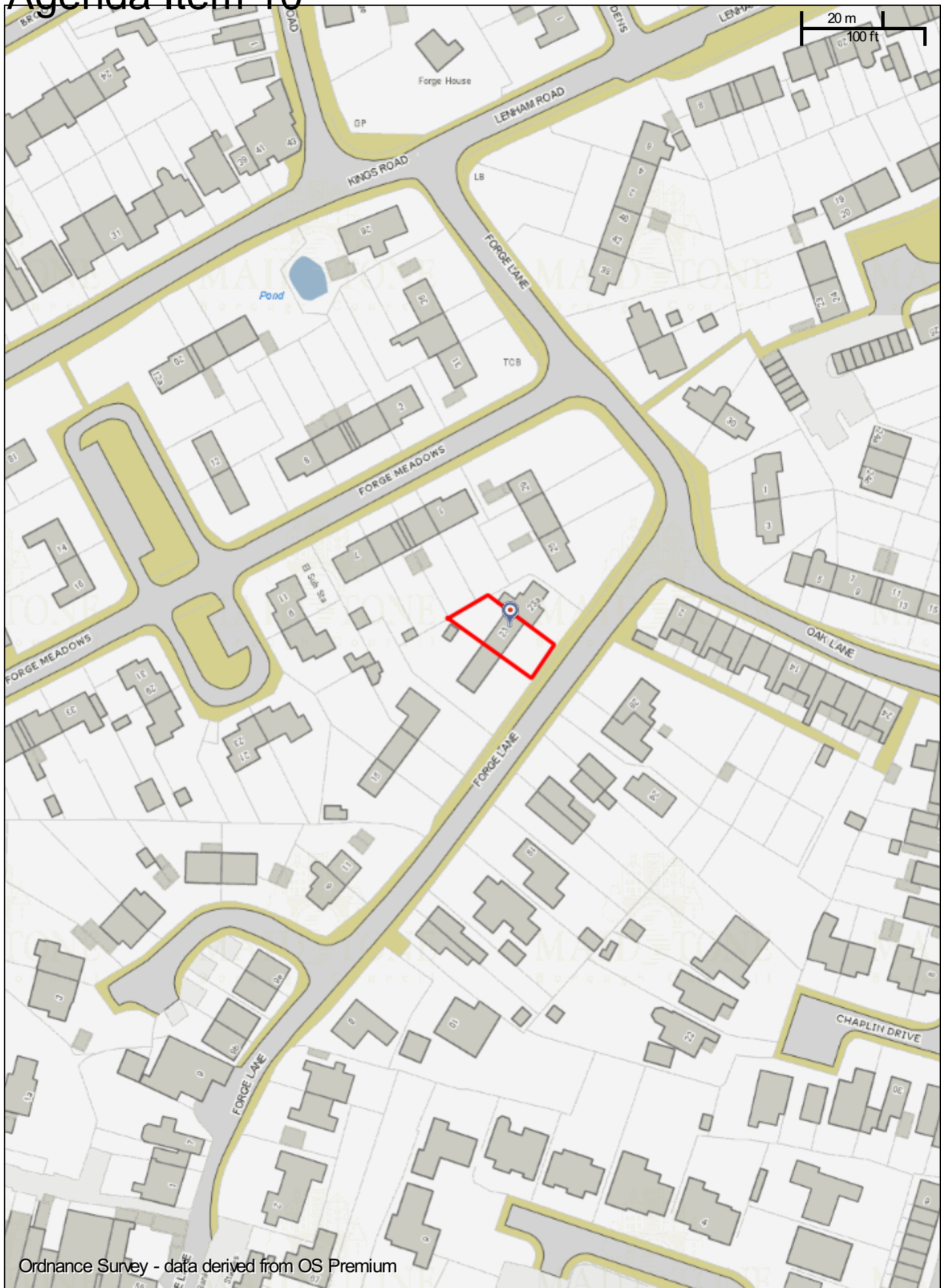
The further representations are acknowledged and the design aspects have been fully discussed in the committee report and consultation with Conservation Officer has confirmed the use of yellow brick would not result in harmful impact to the significance of the host ragstone cottage and the streetscene.

The Conservation Officer commented the use of concrete roof tiles are not an acceptable substitute and there are various clay tiles available as an alternative. It is suggested a separate condition should be imposed so samples of the external materials can be agreed. I do agree with the Conservation Officer's comment and the proposed condition meets the test of imposition to this development. On this basis, it is recommended the application is approved subject to the imposition of the following condition 13 in addition to the twelve conditions as listed in Paragraph 8 of the committee report:

(13) Notwithstanding the requirement from condition 2, the development hereby approved shall not commence above slab level until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials, this should include the use of clay tiles for the main roof;

Reason: To ensure a satisfactory appearance to the development.

Agenda Item 10



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

| | | |
|--|--|---|
| REFERENCE NO - 21/500698/FULL | | |
| APPLICATION PROPOSAL Proposed loft conversion with hip to gable, rear dormer and front rooflight windows (resubmission to 20/505849/FULL). | | |
| ADDRESS 23 Forge Lane Headcorn Ashford Kent TN27 9QN | | |
| RECOMMENDATION Approval subject to conditions | | |
| SUMMARY OF REASONS FOR RECOMMENDATION The proposal has been amended sufficiently for the works to not detrimentally impact the visual and residential amenity of the surrounding properties. The works would accord with relevant policies and residential extensions guidelines. | | |
| REASON FOR REFERRAL TO COMMITTEE Headcorn Parish Council recommended refusal due to the extension appearing large and disproportionate to the existing dwelling and the impact on the amenity of the neighbouring properties and that this be referred to Planning Committee if officers are minded to recommend approval. | | |
| WARD Headcorn | PARISH/TOWN COUNCIL Headcorn | APPLICANT Mr & Mrs Goates AGENT Richardson Architectural Designs |
| DECISION DUE DATE 07/04/21 | PUBLICITY EXPIRY DATE 26/03/21 | OFFICER SITE VISIT DATE 05/03/21 |

RELEVANT PLANNING HISTORY

14/500793/FULL Demolition of existing single garage to provide detached cottage with provision of parking for existing and proposed dwellings. REFUSED

14/505640/FULL Demolition of the existing single garage to provide 2 bedroom end of terrace cottage with provision of parking for the existing and proposed dwelling, including a new vehicle access. PERMITTED

16/500412/SUB Submission of details pursuant to planning permission 14/505640/FULL - to discharge Condition 2 - Materials, Condition 4 - Boundary Treatments and Condition 5 - Landscaping. PERMITTED

16/501445/FULL Removal of Condition 7 of planning permission 14/505640/FULL (Demolition of the existing single garage to provide 2 bedroom end of terrace cottage with provision of parking for the existing and proposed dwelling, including a new vehicle access) - Code 4 for Sustainable homes PERMITTED

20/505849/FULL Proposed loft conversion with hip to gable, rear dormer and front velux windows. REFUSED

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site comprises of a 2-storey dwelling located on the north-western side of Forge Lane. The site is located within the urban area of Headcorn with a Local Wildlife Site located 500m to the south-east of the site. The site benefits from

a shared driveway with No.23a suitable for several vehicles with no boundary definitions at the front of the property.

- 1.02 Planning permission was granted in 2015 for an end of terrace property which was erected and now forms 23a Forge Lane. The permission involved changes to the roof form of No.23 to join up with the new property creating additional roof space.

2.0 PROPOSAL

- 2.01 The proposal is a resubmission of a previously refused application for a loft conversion with hip to gable, a rear dormer and front rooflight windows. This was refused on the following ground;

The proposed rear dormer, by reason of its size, scale, bulk and roof form, would not appear subservient to the original dwelling and would dominate the appearance of the rear of the property creating an obtrusive feature that would harm the visual character of the host dwelling, contrary to the objectives of the National Planning Policy Framework 2019, Policies DM1 and DM9 of the Maidstone Borough Local Plan (2017) and the guidance set out in the Council's Supplementary Planning Document Residential Extensions (2009).

- 2.02 The current proposals have reduced the size of the rear dormer which now measures 6m in width, 2.3m in height and depth of 2.4m. The ridge line of the roof has been extended from 6.2m to 8.6m.
- 2.03 The application form confirms the proposed materials and finishes will match those used on the existing building.
- 2.04 The proposed dormer and velux windows would serve a study, bedroom and en-suite. The proposal seeks to increase the number of bedrooms from 3 to create an additional bedroom and study room.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017:

DM1 Principles of Good Design

DM9 – Residential Extensions, Conversions and Redevelopment within built up area.

Residential Extensions Supplementary Planning Document (2009), KCC SPG4

4.0 LOCAL REPRESENTATIONS

8 neighbour representations received objecting on the following grounds;

- Overlooking
- Loss of privacy
- Visual appearance of existing property

- Overshadowing

5.0 CONSULTATIONS

- 5.01 Headcorn Parish Council recommended refusal due to the extension appearing large and disproportionate to the existing dwelling and the impact on the amenity of the neighbouring properties.

6.0 APPRAISAL

The key issues are:

- Design and visual impact and whether the previous grounds of refusal have been addressed
- Impact upon neighbouring amenities

Visual Impact

- 6.01 Policy DM9 states *Within the defined boundaries of the urban area, rural service centres and larger villages, proposals for the extension, conversion or redevelopment of a residential property which meet the following criteria will be permitted if:*
- i. The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street scene and/or its context;*
 - ii. The traditional boundary treatment of an area would be retained and, where feasible, reinforced;*
 - iii. The privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded; and*
 - iv. Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene.*
- 6.02 Paragraph 4.32 of the Residential Extensions Supplementary Planning Document states: *New dormers will not normally be allowed to front elevations in streets where there are none already. Roof lights, particularly on the front elevation, are a preferable alternative to the use of dormers or roof extensions. The number and size of roof windows should not visually dominate the roof plane. Roof windows need not be large, as more sunlight and daylight reaches a sloping roof than a wall. Roof windows should be designed and installed to have a minimum projection from the roof plane.*
- 6.03 The proposals seek the installation of three rooflights to the front elevation which are not considered to visually dominate or appear as overly large on the roof plane. As the application site is not within a conservation area, it is not considered reasonable to impose a condition requiring conservation style roof light (which have an almost flush appearance to the roof slope).
- 6.04 Paragraph 4.33 of the Residential Extensions supplementary planning document states: *Loft extensions are preferred on the back elevation in order to preserve the character of the street with paragraph 4.34 confirming 'where acceptable, dormer windows should be proportionate in scale to the roof plane and where there is a logical or symmetrical layout of doors and windows, should follow the vertical lines of these openings. They should never project above the original ridgeline and should be set back a minimum of 20 centimetres from the eaves to maintain the visual appearance of the roof line.*

- 6.05 The host property has a sizeable roof, and the proposed dormer extension has been proposed to the rear of the property, is set down off the main ridge line, has been set back a minimum of 20 centimetres from the eaves and has been set in from the sides of the main roof slope so as not to dominate the roof form. The proposed dormer now sits more comfortably within the roof slope as opposed to the previously refused scheme which dominated the roof slope and gave the appearance of a full second storey to the rear elevation. The window arrangement, whilst not following the vertical lines of the existing windows below, is considered acceptable being on the rear elevation with very limited visibility from any public vantage point. Materials are proposed which match the existing materials and these can be controlled by condition. I now consider the overall design of the proposal to be in keeping with the original roof form which does not overwhelm or destroy the character of the main dwelling. The proposed rooflights to the front of the dwelling are also considered to be visually acceptable.
- 6.06 I consider the proposal has now addressed the previous ground of refusal in design terms and complies with policies and guidelines within the residential extension SPD and would be acceptable in terms of design and materials.

Residential Amenity

- 6.07 Policy DM1 amongst other matters states *...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.*
- 6.08 Paragraph 4.72 of the Residential Extensions Supplementary Planning Document states: *In order to safeguard the privacy of neighbours, the introduction of windows in extensions which would overlook windows of habitable rooms in any adjoining property at a close distance and would result in an unreasonable loss of privacy will not be permitted. For similar reasons, a window overlooking the private area immediately adjacent to the rear of an adjoining dwelling is also inappropriate. The Borough Council will normally calculate the private amenity area as a depth of 5 metres from the back of the property which, if it has been extended, will be measured from the back edge of the extension.*
- 6.09 In terms of the positioning of the proposed dormer, the rear elevation faces north-west which is more directed towards 3 & 5 Forge Meadows. The dormer would be sited 20-25m away from the properties to the rear (No's 3 & 5 Forge Meadows) who have objected on grounds of overlooking, loss of privacy and overshadowing issues. Given the distance set out above, it is not considered that an objection on overlooking could be sustained. It is also not considered that overlooking to any other of the nearby residential properties would warrant a refusal of the application for the same reasons as cited above. The proposal is too far from the properties to cause any overshadowing or loss of sunlight/daylight issues to any properties at the rear.
- 6.10 I am also mindful that the previous ground of refusal did not cite overlooking as a ground of objection and this was found to be acceptable. An objection raised on overlooking grounds now would be considered unreasonable as it was not previously raised.

- 6.11 In terms of the dormer, I do not consider that this would result in any adverse impacts in terms in terms of loss of daylight, outlook or loss of privacy in relation to the neighbouring properties.

Fallback position

- 6.12 I am also mindful of the fall-back position which exists with the current proposals in terms of permitted development rights which permit the construction of rear dormers (of a certain size), rooflights etc. on dwellinghouses. As I consider the proposals meet the development plan policies, I have not assessed these in detail as a planning application has been submitted for consideration.

Highways

- 6.13 In regard to the parking at the property, the number of bedrooms is increasing from 3 to 4 bedrooms, KCC Highways states a property of 4 or more bedrooms requires 3 spaces for parking requirements. The existing driveway is sufficient in size to accommodate 3 cars. The proposal would not create any additional harm to highway safety.

7.0 CONCLUSION

- 7.01 For the reasons set out in this report, it is considered that the development proposals would meet the requirements as set out in the planning policies and residential guidance SPD without material harm arising to the character of the host property or the amenity of surround residents. As such, I recommend approval subject to conditions.

8.0 RECOMMENDATION – GRANT Subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing building. For the avoidance of doubt, the rear dormer shall be tile hung with tiles that match the existing roof.

Reason: To ensure a satisfactory appearance to the development.

- (3) The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan – Received 10.02.21

Existing and Proposed Plans and Elevations – Drawing Number RA1464/REV C/03 – Received 23.02.21

Reason: To clarify which plans have been approved.

Case Officer: Joanna Woods

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.



Ordnance Survey - data derived from OS Premium



21/500849/NMAMD Maidstone Borough Council Car Park, Corner of Union Street, Queen Anne Road, Maidstone, Kent

Scale: 1:1250

Printed on: 14/4/2021 at 14:20 PM by SummerF

| | | |
|---|-------------------------------------|---|
| REFERENCE NO - 21/500849/NMAMD | | |
| APPLICATION PROPOSAL Non material amendment relating to planning permission 20/504860/FULL for alterations to the approved landscaping scheme (Condition 18) | | |
| ADDRESS Maidstone Borough Council Car Park Corner Of Union Street Queen Anne Road Maidstone Kent | | |
| RECOMMENDATION - Approve | | |
| SUMMARY OF REASONS FOR RECOMMENDATION The changes as proposed are considered to be acceptable non-material alterations to the approved scheme. | | |
| REASON FOR REFERRAL TO COMMITTEE Maidstone Borough Council was the applicant on the original planning application under planning application reference 17/504428/FULL | | |
| WARD High Street | PARISH/TOWN COUNCIL | APPLICANT Kevin Crew AGENT Mr Darren Bland |
| TARGET DECISION DATE 22/03/21 | PUBLICITY EXPIRY DATE N/A | |

Relevant Planning History

17/504428/FULL

Creation of a new 48 space public car park, together with 30 flats in a stepped block backing onto Queen Anne Road. A row of 6 semi-detached houses fronting Union Street and two terraced rows arranged as a 'Mews' providing 11 houses, together with a new estate road, allocated parking and soft landscaping.

Approved Decision Date: 07.03.2018

20/504860/FULL

Section 73 - Application for Variation of condition 16 (to remove: upgrading of the existing pedestrian crossing on King Street to provide additional crossing detectors and reconfiguration of the controller) pursuant to application 17/504428/FULL

Approved Decision Date: 01.04.2021

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The redevelopment of the site to provide a public car park and residential development was approved under application reference 17/504428/FULL and is currently under construction. This application was subsequently amended by a section 73 planning permission under application reference 20/504860/FULL that amended condition 16 (off site highways improvements) and required a payment in lieu of upgrades to a pedestrian crossing on King Street.

- 1.02 The application site is to the south of Union Street, and turns the corner to Queen Anne Road which is to the east and southeast. The eastern part of the site previously included a 48 space MBC public car park and a 44 space car park reserved for NHS.

2.0 Proposal

- 2.01 The proposal is to amend condition 18 of planning application reference 20/504860/FULL. The condition required the development to be built in accordance with the approved landscape details (drawing nos. TD895_01B (sheet1) & TD895_02B (sheet 2)). The changes proposed are shown on submitted drawing TD895_02J and TD895_01J and are outlined in more detail within section 5 of this report.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017 H1(12), DM1

4.0 CONSULTATIONS

- 4.01 As an application under Section 96A of the Town and Country Planning Act 1990, this is not an application for planning permission. Therefore, provisions such as neighbour notification do not apply. Notwithstanding this, the Council's Landscape officer has been consulted and considers that the revised species selection aligns with the approved scheme.

5.0 APPRAISAL

Main Issues

- 5.01 Section 96a of the Town and Country Planning Act 1990 allows applications for non-material changes to planning permissions. National Planning Practice Guidance (NPPG) advises that there is no statutory definition of 'non-material'. It will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The Local Planning Authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.
- 5.02 It is understood that the applicant has engaged with ward councillors prior to the submission of this application and that changes have been made to the proposed landscaping to reflect these discussions. The proposed changes to the native landscape scheme are outlined below:

| Native/ trees/hedges Original 2017 scheme | Native cultivar | Native/ Native cultivar trees/hedges 2021 Revision J |
|--|------------------------|---|
| Betula pendula (Birch) | | still in scheme |
| Carpinus betulus (Hornbeam hedge) | | still in scheme |
| Prunus Padus Albertii (Bird Cherry cultivar) | | still in scheme |
| Tilia cordata 'Greenspire' | | still in scheme |
| Acer Campestre (Field Maple cultivar) | | Replaced with Carpinus betulus A Beckman (Hornbeam cultivar) <i>New</i> |

| | |
|---|---|
| Crataegus laevigata Pauls Scarlet (Hawthorn cultivar) | not suitable for required area - removed |
| | Taxus bacatta (hedge) <i>New</i> |
| | Taxus repandens (hedge) <i>New</i> |
| | Sorbus torminalis (Wild Service Tree) <i>New</i> |

| Native Shrubs Original 2017 scheme | Native Shrubs 2021 Revision J |
|---|--|
| Cornus sanguinea (dogwood) | still in scheme |
| Crataegus monogyna (hawthorn) | still in scheme |
| Corylus avellana (hazel) | still in scheme |
| Euonymus europaeus (Spindle) | still in scheme |
| Rhamnus Cathartica (Purging buckthorn) | still in scheme |
| Ruscus aculeatus (Butchers Broom) | still in scheme |
| Viburnum lantana (wayfaring tree) | still in scheme |
| Viburnum opulus (guelder rose) | still in scheme |
| | Buxux Sepmpervirens (Box) <i>New</i> |

| Native Herbaceous ground cover Original 2017 scheme | Native Herbaceous ground cover 2021 Revision J |
|--|---|
| Carex remota | still in scheme |
| Carex pendula | still in scheme |
| Deschampsia Goldtau | still in scheme |
| Carex divulsa | still in scheme |

- 5.03 The revised landscaping scheme is in keeping with the original approved landscape details with landscaping around the outside of the site continuing to provide a soft edge to the development. This will be achieved through the use of soft shrub landscaping and trees inside of the replacement walling for the houses on Union Street, which would be in keeping with the character of front gardens to the north side of Union Street.
- 5.04 Frontage landscaping would also be provided around the eastern boundary of the development on Queen Anne Road to provide a soft edge to the development through prominent native/near native planting in the form of hedging and new trees, mixed with shrubs. This would provide an appropriate soft edge and visual appearance to this frontage of the development.
- 5.05 In accordance with the previously approved landscaping scheme, tree and shrub planting would also be provided inside the site. In total there would be planting of 27 new trees throughout the site, including one additional tree (total of 8 frontage trees) compared to the previous landscape scheme within the street scene on to Union Street and Queen Anne Road.
- 5.06 In addition to the above changes, the applicant is also now proposing to remove the climbing plants previously proposed in the public car park on the western

boundary of the site and replace a shrub mix on the eastern side of the public car park with a mixture of shrubs and a native hedge. It is also proposed to replace an area of wildflower meadow at the entrance to Block 1 with two species of native grasses and 36 species of wildflowers.

- 5.07 It is considered that the revised landscaping scheme will provide an appropriate setting to the development with good interest and colour, and a mix of native/near native and ornamental species appropriate for this urban site.
- 5.08 The non-material amendment is considered to be in accordance with policy DM1 (principles of good design) and criterion 4 of policy H1(12) of the Local Plan which require proposals to sensitively incorporate natural features such as trees, hedges and also ensure appropriate semi-mature feature trees are incorporated into this site.

6.0 CONCLUSION

- 6.01 The proposed alterations to the landscape scheme would not result in significant environmental effects, or significantly alter the approved landscaping scheme for the site. The changes as proposed are considered to be an acceptable non-material alteration to the approved scheme.

PUBLIC SECTOR EQUALITY DUTY

- 6.02 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7.0 RECOMMENDATION – Application Permitted

INFORMATIVES

- 1) The decision was based on the following plans: TD895_01J and TD895_02J

Case Officer: Adam Reynolds

Agenda Item 12

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 22nd April 2021**

APPEAL DECISIONS:

1. 19/503989/FULL

Demolition of the existing bungalow and erection of 2no. detached dwellings together with associated parking, amenity areas and landscaping.

APPEAL: DISMISSED

Woodview
Lenham Road
Kingswood
ME17 1LU

(Delegated)

2. 20/501152/FULL

Erection of a 3 bedroom detached dwelling.

APPEAL: DISMISSED

Land Adjacent To The Cherry Patch
Linton Hill
Linton
Kent
ME17 4AP

(Delegated)
