

APPLICATION: MA/09/1180 Date: 6 July 2009 Received: 21 September 2009
APPLICANT: Clarendon Homes
LOCATION: 12, WHEELER STREET, HEADCORN, ASHFORD, KENT, TN27 9SJ
PARISH: Headcorn
PROPOSAL: Demolition of existing property and erection of 3no. bungalows with associated works including sheds, hardstanding, vehicle crossovers and boundary treatment as shown on 5 unnumbered drawings received on 8/7/09.
AGENDA DATE: 26th November 2009
CASE OFFICER: Peter Hockney

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by Headcorn Parish Council

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, H27
South East Plan 2009: CC1, H4, H5, M1, BE5
Government Policy: PPS1, PPS3

2. HISTORY

MA/94/1493 – Land to the rear of 12 Wheeler Street – Erection of a detached bungalow with integral garage – APPROVED WITH CONDITIONS

3. CONSULTATIONS

3.1 Headcorn Parish Council wishes to see the application REFUSED on the following grounds:-

- "The building line appears to be in front of 1a Maydene and would therefore be out of keeping with the existing street scene.
- There is insufficient evidence on the proximity of the driveway of plot 1 appears to the road junction of the A274 and therefore it could be in contravention to Highway safety."

3.2 Kent Highways raise no objections to the application stating:-

"The application seeks to replace one existing property with three new 3 bedroom dwellings. Access to the site is currently made directly from the A274 Wheeler Street and visibility from the existing access is restricted. It is proposed to close this access and provide access to the new properties via Orchard Glade, an unclassified cul-de-sac. Access is to be made by means of separate driveways to the properties which is considered acceptable for this category of road. The driveway serving Plot 1 (the plot nearest the junction of the A274) is located some 18m from the carriageway edge of the A274 and this is an acceptable distance to allow inter-visibility between vehicles turning into Orchard Glade from Wheeler Street and vehicles turning out of the driveway of Plot 1. Orchard Glade currently serves approximately 45 dwellings therefore the additional traffic generated by the 3 additional houses would not present a significant increase. Visibility at the junction of Orchard Glade with Wheeler Street has been measured and the vision splay is in excess of the recommendations given in Manual for Streets for a road within a 30mph speed limit.

Parking is provided in tandem and although this is not likely to lead to a safety problem it would be preferred if 2 independently accessible spaces per dwelling were to be provided (in addition to garage spaces); in accordance with the Kent Design Guide Review: Interim Guidance Note 3 - Residential Parking.

In view of the above I have no objections to the proposals in respect of highway matters"

3.3 MBC Environmental Health Manager raises no objections to the application and recommends informatives be added to any approval.

3.4 MBC Conservation Officer raises no objections to the development with regard to the setting of the adjacent listed building.

4. REPRESENTATIONS

4.1 Letters of objection have been received from eight households on the following grounds:-

- Concern regarding the increase in traffic and impact on highway safety and the retention of visibility splays for Orchard Glade.
- Positioning of dwellings in front of 1a Orchard Glade, disrupting the building line.
- Loss of outlook.
- Why is the access onto Wheeler Street not being utilised?
- The development is not in keeping with the area.
- The development should be for two bungalows not three.
- Impact on the Listed Building.
- Inadequate privacy for future occupiers.

- 4.2 **One letter** has been received raising no objections to the proposal but request that consideration be given to installing a weight limit or a cul-de-sac sign to Orchard Glade to prevent lorries from entering Orchard Glade to turn round. (This request has been passed onto Kent Highways).
- 4.3 **The Treasury Solicitors Office** have written in identifying themselves as the owners of the strip of land between the existing garden of 12 Wheeler Street and the pavement of Orchard Glade. A similar letter has been sent to the agent for the application.

5. BACKGROUND AND OWNERSHIP

- 5.1 This application was due to be heard at the 3 September 2009 Planning Committee. The application was withdrawn from the Agenda by Officers when it became apparent that the piece of land between the application site and the back edge of the footpath in Orchard Glade was not owned by Kent Highways. The agent was informed of this and the site location plan was amended and an ownership certificate D was served with a notice being posted in a newspaper. This fulfils the requirement under the planning system. If planning permission is granted then the developer would have to either purchase the land or get permission from the owner to construct the driveways onto Orchard Glade. There is nothing within the planning system to ensure that no trespass occurs through either construction of driveways on land not owned by the developer or parking of contractors vehicles. I have therefore considered the issue of land ownership.

6. SITE LOCATION AND DESCRIPTION

- 6.1 The application site is a corner plot at the junction of Wheeler Street and Orchard Glade within the defined village boundary of Headcorn. The site is approximately 0.12 hectares in area.
- 6.2 The site contains a detached bungalow with first floor accommodation contained within the roofspace. There is an existing vehicular access onto Wheeler Street, the A274. The frontage to Wheeler Street is a hedgerow of a hawthorn and privet mix which is a feature of the street in this location.
- 6.3 The character of the area is mixed with the street scene of Wheeler Street including a variety of types and designs of dwellings as well as commercial uses. The properties at 16 and 18 Wheeler Street are a Grade II Listed Building located to the east of the site. Within Orchard Glade the character is more uniform with single storey bungalows the predominant feature. The dwellings in Orchard Glade were constructed following consent that was granted in 1962. The overriding character of the area is that the dwellings are set out in a spacious manner, mainly detached or semi detached properties within generous plots. A

1.8m close boarded fence forms the boundary fronting Orchard Glade and is the main feature of this part of the street.

- 6.4 As well as the hedge that fronts Wheeler Street there are two trees located around the existing access onto Wheeler Street and two trees located on the verge at the junction of Wheeler Street and Orchard Glade. Whilst none of the trees are covered by Tree Preservation Orders they do perform a function of softening the site in its surroundings. The proposal includes the retention of all the trees on and adjacent to the site.

7. PROPOSED DEVELOPMENT

- 7.1 The application is for the demolition of the existing dwelling and the erection of three bungalows with attached garages. Each bungalow would have a height of approximately 2.2m to the eaves and 5.2m to the ridge. The dwellings (excluding the attached garages) would have a width of approximately 7.5m and a depth of 13.5m. The dwelling at plot 1, the northern most closest to the junction of Wheeler Street and Orchard Glade, would be detached with plots 2 and 3 linked by their garages.
- 7.2 There would be two new crossovers onto Orchard Glade, one serving plot 1 and the second jointly serving plots 2 and 3.
- 7.3 The proposal includes the stopping-up of the existing access onto Wheeler Street with an extension of the privet and hawthorn hedge frontage.

8. PRINCIPLE OF DEVELOPMENT

- 8.1 The application site is within the defined village boundary of Headcorn and as such policy H27 of the Maidstone Borough-Wide Local Plan (2000) applies. This policy allows for minor residential development. The net increase of two units is minor residential development.
- 8.2 The site is previously developed land and is within a rural service centre and as such the principle of residential development is acceptable in accordance with the more recent policies of the South East Plan (2009) and the Government guidance in PPS3.
- 8.3 The proposed density equates to 25 dwellings per hectare (dpha), whilst this is well below the overall regional target of 40 dpha set out in policy H5 of the South East Plan (2009) and the recommended minimum guidance of 30dph in PPS3, I consider it acceptable in this case in order to maintain the spacious character of the area. This is contrary to the aims of policy H5 of the South East Plan (2009), which seeks Borough-Wide target of 40dpha. The fact that the proposed 3 dwellings falls considerably below the recommended density levels

does not support the objection raised by neighbours on the ground that too many properties are being proposed.

9. VISUAL IMPACT

- 9.1 The proposed dwellings would be low rise and would be small in scale. In this regard they would not result in a dominant or incongruous feature in the street scene and they would match the existing character and scale of the existing properties within Orchard Glade. In any case, there is a mixture of building sizes and styles in the locality.
- 9.2 The dwellings would be set on the line of the flank wall of the existing dwelling, which would maintain the separation between the built development and the western boundary with Orchard Glade. This would maintain the character of low rise dwellings set back with open front garden areas and would not result in a dominant feature.
- 9.3 An objector has raised concern that the extension to the existing dwelling on site is not a permanent structure and should not be used as a starting point for the development. The extension is fixed to the property, constructed mainly of glazing with brick piers and is incapable of being moved and therefore is a permanent structure.
- 9.4 The dwellings would be located approximately 2 metres in front of the adjacent property number 1a Orchard Glade. However, there is not an established and uniform building line in this part of Orchard Glade. There are only three properties on this side of the street in this part of Orchard Glade with one of these to be demolished as part of this application. The important consideration in the development of the site is to maintain a set back from Orchard Glade to allow the creation of front gardens and preserve the open character. The minimum set back from the back edge of the footpath is approximately 7 metres for the main front wall of plot 3 extending to 10 metres for the front wall of plot 1. This remains a significant set back and maintains the overriding character and appearance of the area.
- 9.5 The design of the dwellings is unremarkable, however, the key aspects of the design are the low eaves and ridge heights and the small scale of the development. This design picks up on the key characteristics of the Orchard Glade properties, which are small scale, low rise bungalows and as such is acceptable for this location.
- 9.6 The design and layout of the dwellings would include the planting of a new privet and hawthorn hedge along the Orchard Glade frontage. This would soften the appearance of the built development, create front gardens to match the existing character of the street and result in a visual improvement over the existing close

boarded fence that currently forms the boundary. There would be no fencing proposed along the Orchard Glade frontage. A 1.8 metre high fence is proposed around the boundary to the rear garden of the dwelling at plot 1, however, this would be set behind the existing hedgerow fronting Wheeler Street and as such would not be visually prominent.

- 9.7 The retention of the two trees on site is welcome and whilst these are not protected by a TPO I consider that they afford some positive contribution to the area. It would be appropriate to include a tree protection condition to ensure these specimens are not damaged during development.

10. IMPACT ON RESIDENTIAL AMENITY

- 10.1 The low rise nature of the dwellings and the lack of any first floor accommodation would mean that the views from any of the proposed windows to the south and east would be obscured by the existing 1.8 metre high fences that would be retained as part of the development. The dwellings to the west would be separated by the road and pavements of Orchard Glade and therefore no significant loss of privacy would occur.
- 10.2 The small scale of the development would ensure that there would be no loss of light to adjoining occupiers and the development would not be overwhelming to the outlook of any neighbours.
- 10.3 I consider that the impact of the development on the residential amenity enjoyed by the occupiers of neighbouring properties is acceptable and a reason for refusal on amenity grounds could not be sustained.
- 10.4 There would be adequate privacy afforded to the occupiers of the proposed dwellings in order for them to have a reasonable level of amenity. In addition any overlooking and position of adjacent properties would be apparent at the time of purchase.

11. HIGHWAY CONSIDERATIONS

- 11.1 The existing access onto Wheeler Street is substandard with restricted visibility and limited turning space within the site.
- 11.2 The proposed access and crossover onto Orchard Glade would not result in a hazard to highway safety. The closure of the access onto Wheeler Street would reduce the number of access points onto the A274 and remove an access with limited visibility.
- 11.3 Kent Highways have raised no objections to the development on highway safety grounds and consider the positioning of the new crossovers onto Orchard Glade

to be acceptable. I note Kent Highways comments regarding the layout of the parking spaces, however, to change the layout of the parking to prevent a tandem arrangement would result in the significant loss of landscaping to the front of the properties. The driveways would be permeable block paved driveways to prevent significant surface water run off onto the highway.

- 11.4 The existing sight lines at the Orchard Glade junction would be maintained as part of the application. Any future encroachment by enclosing land into the garden would require a separate planning permission. The existing site line forms part of the publicly maintainable highway according to Kent Highway Services Highway Definition Team.
- 11.5 I consider that the layout of the access points and the car parking would be acceptable in both highway safety and visual terms and confirm the existing sight lines at the junction of Orchard Glade and Wheeler Street would be maintained.

12. OTHER CONSIDERATIONS

- 12.1 There would be no significant impact on the setting of the adjacent Listed Building. The proposed bungalows would be low rise and would not dominate the Listed Building. The Conservation Officer agrees with this assessment and raises no objections.
- 12.2 The proposed dwellings would achieve a Level 2 of the Code for Sustainable Homes including the installation of solar panels on the south roof elevations, provision of garden sheds for bicycle storage, rotary dryers in the garden and recycling storage.
- 12.2 In terms of ecology the land does not have specific designations. There are no significant ponds on or near the site. I do not consider that garden ponds in neighbouring properties are significant in terms of nature conservation. The mature trees and hedgerows on and adjacent to the site are to be retained.
- 12.3 Overall I consider that the application is acceptable and recommend that permission be granted.

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 development shall not commence 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;

Reason: To ensure a satisfactory appearance to the development in accordance with policies H5 and BE1 of the South East Plan (2009).

3. The approved details of the parking/turning areas including garages shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety in accordance with policy BE1 of the South East Plan (2009).

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Class B shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers in accordance with policies H5 and BE1 of the South East Plan (2009).

5. The dwelling shall achieve Level 2 of the Code for Sustainable Homes. The dwelling shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 2 has been achieved;

Reason: To ensure a sustainable and energy efficient form of development in accordance with Policy M1 of the South East Plan (2009), Kent Design Guide 2000 and PPS1.

6. All planting, seeding or turfing comprised in the approved details of landscaping shown on submitted drawing and accompanying landscaping schedule, including the stopping-up of the pedestrian and vehicular access points onto Wheeler Street shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development and in the interests of visual amenity of the area, in accordance with PPS1 and Policy H27 of the Maidstone Borough-Wide Local Plan (2000).

7. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with policies ENV6 and H27 of the Maidstone Borough-Wide Local Plan (2000).

Informatives set out below

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:1997 for noise control on construction sites. Statutory

requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

No vehicles may arrive, depart, be loaded or unloaded within the general site outside the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

Reasonable and practicable steps should be used during any demolition or removal of existing structure and fixtures, to dampen down, using suitable water or liquid spray system, the general site area, to prevent dust and dirt being blown about so as to cause a nuisance to occupiers of nearby premises.

Where practicable, cover all loose material on the site during the demolition process so as to prevent dust and dirt being blown about so as to cause a nuisance to occupiers of nearby premises.

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours is advisable.

Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

Please advise the applicant that this permission does not convey any approval for the required vehicular crossing or any other works within the highway which a licence must be obtained. Applicants should telephone 08458 247800 in order to obtain the necessary Application Pack.

Please advise the Applicant of the need to consult Kent Highway Services with regard to the required reinstatement of the verge/footway crossing at the access which is to be closed.

The granting of planning permission does not convey a right to develop or have a right of access across land outside the applicant's ownership or control.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.