

APPLICATION: MA/09/1534 Date: 20 August 2009 Received: 25 August 2009
APPLICANT: Mr & Mrs A&S Lock
LOCATION: WOLVERLEY, VICARAGE ROAD, YALDING, MAIDSTONE, KENT, ME18 6DT
PARISH: Yalding
PROPOSAL: Erection of detached dwelling and garage. Resubmission of MA/09/0114 as shown on drawing numbers 1693/01/A, 1693/02 Rev B, 1693/05 and 1693/06 received on 25/8/09.
AGENDA DATE: 26th November 2009
CASE OFFICER: Peter Hockney

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

- it is a departure from the Development Plan

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, H27, T13
South East Plan 2009: CC6, H4, H5, C4, BE5
Government Policy: PPS1, PPS3

RELEVANT HISTORY

MA/09/0114 – Erection of a detached dwelling – WITHDRAWN.

CONSULTATIONS

Yalding Parish Council have no comments to make on the application.

KCC Highways raise no objections on highway matters.

MBC Environmental Health Manager raises no objections to the application.

MBC Landscape Officer raises no objections to the application subject to the imposition of conditions regarding tree protection.

REPRESENTATIONS

No Responses from residents.

CPRE raise no objections to the application stating that the amended design has overcome the concerns on the previous application.

SITE LOCATION AND DESCRIPTION

The application site is wholly in the garden of an existing detached property known as 'Wolverley' and garden located on the north side of Vicarage Road. The site is positioned so that half is within Yalding village envelope and half within the countryside. The whole site is within the Greensand Ridge Special Landscape Area.

There are a number of trees on the site, mainly fruit trees, with an area of woodland to the north of the site. The area is generally characterised by dwellings that front Vicarage Road, however, there are a couple of dwellings known as 'Hamilton' and 'The Nuttery' in a backland location approximately 16 metres to the west of the site at 'The Vicarage'.

PROPOSED DEVELOPMENT

The application is for the erection of a single detached dwelling with detached garage utilising the existing access onto Vicarage Road.

The dwelling would be predominantly single storey (2.6 metres to the eaves) with a two storey projection (4.8 metres to the eaves) to the front elevation. The rear would be two storey with an eaves height of 4.8 metres. The dwelling would have a ridge height of 8.2 metres.

The proposed garage would be a double garage measuring approximately 2.4 metres to the eaves and 5.9 metres to the ridge.

The application is being reported to Planning Committee as the dwelling straddles the village boundary and is partially in the countryside and therefore a departure from the Development Plan and has been advertised as such. The main issues for consideration in the determination of this application are whether a dwelling should be permitted in a location straddling the village boundary, the visual impact of the dwelling and the impact on the residential of neighbouring properties.

PRINCIPLE OF DEVELOPMENT

New dwellings are generally located within the urban areas or within defined villages, unless for an exceptional reason, for example an agricultural workers dwelling. The reasoning behind locating dwellings in these locations is to ensure a sustainable form of

development and to prevent unacceptable visual harm to the general openness of the countryside.

The entire site is residential garden and is therefore wholly previously developed land. Policy H27 of the Maidstone Borough-Wide Local Plan (2000) allows for minor new residential development within defined villages. There is no policy provision for new residential development in the countryside apart from in certain exceptional circumstances, for example an agricultural workers dwelling and therefore the general policies of restraint in the countryside are the overriding consideration.

Yalding is a defined village and the development would straddle the village boundary with the access, the majority of the drive and part of the dwelling located within the village boundary. Most of the dwelling and the double garage would be located outside the village envelope. Although partially outside the village envelope the development is still on residential garden land and other than the introduction of the building the character and use of this land would remain unchanged.

Government Guidance within PPS3 seeks to provide new residential development on previously developed land and to create sustainable communities in both urban and rural areas. In the context of this site, the site is partially within Yalding village, a defined village settlement within the Maidstone Borough-Wide Local Plan (2000), therefore the erection of a single dwelling within/adjacent to a defined village would provide a sustainable form of development.

I consider that whilst the principle of a dwelling on the site would not conform to the policies of the Development Plan there is support for sustainably located residential development in rural areas through Government guidance in PPS3 and the proposal complies with this guidance and the overriding aim of locating new residential development.

This site is the only garden that extends beyond the northern boundary of Yalding village, other than at 'The Vicarage', where two dwellings have already been constructed in a backland development. Therefore the approval of this application would not result in a flurry of similar applications as there are no similar sites of previously developed land i.e. residential gardens that extend outside the village envelope in the area.

Whilst the dwelling is acceptable in terms of sustainability consideration needs to be given to the visual impact of the development on the character and appearance of the countryside and this is assessed below.

VISUAL IMPACT

In terms of its visual impact the dwelling would be set approximately 43 metres back from Vicarage Road. It would not create a dominant feature in the street due to the distance from the road and the predominantly single storey nature of the development.

The position of the development would not result in any significant loss of vegetation or trees. The boundary treatments to the site would remain as chestnut paling fencing to woodland to the north.

The general pattern of development in the area would be maintained as the proposed dwelling would be comparable in location and scale to the two dwellings in the backland location to the north west ('Hamilton' and 'The Nuttery'). These properties are wholly located outside the defined village envelope of Yalding.

There are no public footpaths or long views of the site from the north due to the existing woodland area. This would ensure that the character and appearance of the Special Landscape Area and countryside would be maintained.

The proposed double garage would have no significant visual impact.

Overall on the issue of visual impact I conclude that the development would result in no significant harm to the character and appearance of the area, would maintain the pattern of development and would not be detrimental to the appearance or character of the Special Landscape Area or countryside.

IMPACT ON RESIDENTIAL AMENITY

The proposed dwelling would be approximately 14 metres from the adjacent property of 'The Beeches'. This distance would ensure there would be no overwhelming impact or loss of light from the proposed dwelling. There would be no privacy issues due to an existing mound and tree coverage along the boundary that would be maintained.

There would be no significant impact on the residential amenity of the dwellings of 'Wolverley' and 'Bankside' due to the separation distances (a minimum of 21.5m) and orientation of properties.

OTHER CONSIDERATIONS

Highway Considerations

The application would utilise an existing access with existing visibility splays. These are adequate for an additional dwelling and Kent Highway Services raise no objections to the application.

Environmental Health Considerations

There are no significant Environmental Health issues on this site with any noise generating uses or busy roads nearby. There would be no noise generating uses proposed as part of the application.

There are no issues regarding contamination on the site.

The Environmental Health Manager raises no objections and recommends informatives.

CONCLUSION

Whilst the application is contrary to the policies in the Development Plan in that the dwelling would straddle the village boundary and be partially in the countryside, it is compliant with guidance contained at national level in that it would be residential development on previously developed land well related to an existing defined village. There would be no significant harm caused from the development and the proposal would result in a sustainable form of development that would maintain the pattern of development and would not be detrimental to the appearance or character of the Special Landscape Area or countryside. I therefore consider that the application is acceptable.

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 BE5 of the South East Plan (2009).

3. The approved details of the parking/turning areas 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 BE5 of the South East Plan (2009).

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Class(es) A, E and F 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 BE5 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 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 including an arboricultural method statement will need to be provided which will identify and overcome any constraints which may be above or below ground. 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 policy ENV6 of the Maidstone Borough-Wide Local Plan (2000).

7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted in accordance with policies ENV6 of the Maidstone Borough Wide Local Plan (2000) and H5 and BE5 of the South East Plan (2009).

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) 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 in accordance with policies ENV6 of the Maidstone Borough Wide Local Plan (2000) and H5 and BE1 of the South East Plan (2009).

Informatives set out below

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 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.

Vehicles may only arrive, depart, be loaded or unloaded within the general site between 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.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

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.