

REPORT SUMMARY

REFERENCE NO - 16/506630/FULL			
APPLICATION PROPOSAL Demolition of existing bungalow and erection of 2 replacement detached four bedroom dwellings, set on 3 floors with associated parking.			
ADDRESS St Faiths Bungalow St Faiths Lane Bearsted Kent ME14 4JN			
RECOMMENDATION – Approval			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is considered to comply with the policies of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning consent.			
REASON FOR REFERRAL TO COMMITTEE Bearsted Parish Council and Cllr Springett wish to see the application refused and reported to planning committee			
WARD Bearsted	PARISH/TOWN COUNCIL Bearsted	APPLICANT Mr & Mrs B Wharton AGENT E P Architects Ltd	
DECISION DUE DATE 25/10/16	PUBLICITY EXPIRY DATE 08/11/16	OFFICER SITE VISIT DATE 29/09/2016	
RELEVANT PLANNING HISTORY:			
App No	Proposal	Decision	Date
16/504496/FULL	Demolish existing bungalow and replace with 2 no detached 4 bedroom dwellings, set on 3 floors with associated parking	Refused	01/08/16
Reason for Refusal; <i>The proposal would result in an unacceptable loss of privacy to the rear gardens and ground floor habitable rooms of No.s 10 & 11 St Faiths Court and result in an unacceptable overbearing and oppressive impact upon no.s 10 & 11 St Faiths Court. This would result in significant harm to the amenities of neighbouring properties contrary to paragraph 17 of the National Planning Policy Framework.</i>			
16/501957/FULL	Demolish existing bungalow and build two storey house and garage	Approved	16/05/16
13/0003	Extension of time to implement planning permission MA/10/0172. Demolition of existing bungalow and erection of a two storey dwelling	Approved	27/02/13
10/0172	Demolition of existing bungalow and erection of a two storey dwelling and detached double garage	Approved	26/03/10
05/0264	Conversion of existing single storey dwelling to a two storey dwelling (erection of an extension to form first floor) and erection of detached double garage	Approved	04/04/05

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site lies within the urban area in Bearsted Parish to the south of the central village and on the eastern side of St Faiths Lane – a private road accessing approximately 9 detached dwellings and a relatively modern gated development of 2/3 storey terraced properties at Bearsted Views.
- 1.02 The site contains an existing detached bungalow (known as St Faiths Bungalow) which is clad in white weatherboarding with a tiled roof. It has a gravel driveway with provision for 4 car parking spaces and detached garage/store to the side of the dwelling.
- 1.03 There is a replacement TPO Lawson Cypress tree (*Chamaecyparis Lawsoniana*) which was planted in 2012, ref T1 of TPO No.35 of 2003 situated within the front garden of the dwelling.
- 1.04 The proposal site does not affect the setting of a listed building or Conservation Area

2.0 PROPOSAL

- 2.01 The proposal is for the demolition of an existing detached bungalow to be replaced by 2 detached dwellings fronting onto St Faiths Lane. The two dwellings would be set over three floors and would provide occupants with four bedrooms (1 with en-suite facilities), bathroom, living room, kitchen/dining room, two WCs, utility and store.
- 2.02 Each dwelling has a double integral garage and driveway area, with provision for 3 car parking spaces per dwelling. The driveway would be finished in permeable paving.
- 2.03 The site is situated on a slope, where the land levels fall to the rear of the site, the proposed dwellings are cut into the land to provide accommodation set over three floors. The dwellings would have a two storey appearance on the front elevation and three storey on the rear elevation, although the lower ground floor level would be largely hidden from view.
- 2.04 The ridge height would be 7.1m from the existing ground level, and eaves height of 5m. The proposed roof would be hipped, incorporating a projecting gable-end element and lean to pitched lean-to roof above the garage on the front elevation, and pitched lean-to roof above the ground floor on the rear elevation.
- 2.05 The dwellings would be built from facing brick on lower ground and ground floor levels, with fibre cement weatherboarding at first floor level, with fibre cement slate tiles for the roof.

Relevant Planning History

- 2.06 An application for two detached dwellings (replacing the existing bungalow), set over three storeys with gable-end roofs was refused under planning reference: 16/504496/FULL. The changes from that application have been to have fully hipped roofs (as opposed to gables); reduction in ridge height by between 0.7-0.9m; and the first floor and roof on the rear elevation has been set back by 1.6m.

- 2.07 There is an extant permission for a two storey detached dwelling at the site have approved 16/501957/FULL. The proposed dwellings have a lower ridge and eaves height than the replacement two storey dwelling approved under 16/501957/FULL.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: ENV6, T13
Emerging Local Plan: DM1, DM2, DM8

4.0 LOCAL REPRESENTATIONS

- 4.01 Bearsted Parish Council** – Objects, would like to see the application refused for the following summarised reasons;

- Low density part of Bearsted, proposal is overdevelopment of the site
- Safety concerns to local residents, increased traffic, no footpaths on St Faiths Lane.

- 4.02 Councillor Springett** - Objects, would like to see the application refused for the following summarised reasons;

- Overdevelopment of the site, design is cramped and awkward.
- Properties out of keeping with other properties in St Faiths Lane
- Loss of privacy to adjacent properties
- Site has restricted access, lack of room for vehicle manoeuvrability
- Increased traffic on St Faiths Lane
- Safety issues for pedestrians along the lane

- 4.03 Public Responses** - 20 objections have been received from 12 neighbouring properties & interested parties objecting on the following summarised grounds;

- Out of character with existing development in area, forward of existing building line.
- Overdevelopment of the site.
- Additional traffic would cause safety risks to pedestrian users of the lane
- Unsuitable access, increased congestion, may obstruct emergency vehicles
- Unsuitable car parking arrangement, 3 spaces is too many, no visitor parking increasing parking pressure elsewhere.
- Overshadowing & loss of light
- Harm to privacy, overlooking to properties to rear.
- Increased sense of enclosure, overbearing and oppressive impact
- Noise and light pollution from two dwellings
- Loss of landscaping is out of keeping with the local landscape
- Concerns regarding surface water and soakaways
- Does not address issues raised in refused application ref; 16/504496
- Replacement dwelling approved under 16/501957/FULL approved without objection, but not without neighbour concern.
- Contrary to Paragraph 17 of the NPPF.

Other issues raised which are not a planning consideration:

- Covenant on land

- Spoiling an existing view
- Obstruction, damage, noise, smell and disturbance during construction process

5.0 CONSULTATIONS

5.01 KCC Highways – No objection

5.02 MBC Landscape - No objection

Subject to a pre-commencement landscape condition which includes the provision of tree protection details in accordance with BS 5837: 2012 and the retention of TPO tree within the front of the site.

6.0 APPRAISAL

Principle of Development

- 6.01 Development Plan Policy, Emerging Local Policy and Central Government guidance encourages housing in sustainable urban locations such as this, but clearly the detail of the scheme must be appropriate which will now be assessed.

Visual Impact

- 6.02 The application site covers an area of some 473.8m², whilst the two dwellings would increase the footprint of built development within the site, I would consider the replacement dwellings sufficiently respect the size of the plot. The dwellings retain an open site frontage incorporating driveways and a small garden area in plot 2 which provide spacing to the boundaries, and there is sufficient spacing between dwellings.
- 6.03 There is no defined character or pattern to the sporadically placed dwellings along St Faiths Lane; the dwellings include a mix of single storey/two storey detached dwellings of varying scales and designs as well as a mix of two/three storey terraced dwellings in the Bearsted Views to the north-east of the site. As development along St Faiths Lane is sporadically placed, the proposed two detached dwellings would not upset the streetscene, nor is there a clear building line to adhere to. Towards the northern end of the lane there is a transition to a denser form of the development, incorporating terraced properties set over two-three storeys. The proposal site would be located on the northern end of the lane in close proximity to this denser form of the development and therefore I am satisfied the two detached dwellings would not appear out of character with the area.
- 6.04 In terms of design, I would consider the two elevations fronting onto the streetscene at St Faiths Lane are appropriate in terms of design and scale. The dwellings have a two storey appearance on the front elevation, which due to the hipped roof, projecting gable element, and lean-to roof over the double garage not only breaks up the overall bulk of the development but creates a good level of visual interest to the building. Furthermore the use of brick on the lower-ground and ground level and weatherboarding on the first floor further adds to the visual interest of the building.
- 6.05 I therefore consider the siting, scale and design of the proposed dwelling to be acceptable. I do not consider the proposal would appear visually intrusive, but positively integrates with the denser form of the development towards the northern end of the streetscene and surrounding area; and nor would it represent a cramped form of development resulting in an over development of the site, which already has

a lawful residential use. Samples of materials will be sought via condition to ensure a good quality finish to the development.

Residential Amenity

10 and 11 St Faiths Court

- 6.06 No.s 10 & 11 St Faiths Court are a pair of semi-detached properties located to the rear of the site, these neighbouring dwellings are set on a lower ground level, approximately 2.5m below the existing ground level on the site. Both these neighbouring properties have objected regarding loss of privacy due to overlooking, and loss of light and overshadowing.
- 6.07 Previously the 1st floor windows (top floor) were the only windows that were considered to result in overlooking. To address this concern, the revised scheme has set back the first floor rear elevation by 1.6m, increasing the distance between the first floor windows and neighbouring dwellings at no's 10 & 11 St Faiths Court. As a result there is a separation distance of between 21-24m (rather than between 18-21m) which I consider to be a sufficient distance to ensure that the neighbours ground floor habitable rooms and amenity areas are not directly overlooked. The hedging and fencing along the rear boundary lines will ensure that there is no significant overlooking of these neighbours amenity areas.. As such I am satisfied the proposals would not cause significant harm to these neighbours in terms of privacy, and the amended scheme has overcome the previous reason for refusal. The ground and lower ground floor would not overlook these properties due to the levels and intervening hedging and fencing.
- 6.08 With regard to outlook and loss of light, due to the set back of the first floor level increasing the distance between dwellings; lower ridge height; and amended roof pitch to a hipped roof which now slopes away from the shared these neighbours, I am satisfied the amended proposals do not result in an overbearing or oppressive impact or loss of light. Thus I am satisfied a suitable outlook remains from no's 10 & 11 St Faiths Court, and the amended scheme has overcome the previous reason for refusal.
- 6.09 Both neighbouring properties have objected on the basis of increased noise, it is considered that the additional noise created by one additional dwelling within a residential area would not cause significant harm to the amenities of these neighbouring properties.

Other neighbouring properties

- 6.10 The neighbour at Hope Lodge has objected regarding overlook and loss of privacy, due to the separation distance of approximately 25m, existing boundary treatment and shrubbery, it is not considered that the proposed dwellings would overlook the neighbours front habitable rooms to a degree that would result in significant harm to residential amenity.
- 6.11 Neighbouring dwellings at 9 St Faiths Court and 19 Windmill Heights have raised objections with regard to overlooking and harm to privacy; these neighbours are over 30m and 40m away from the siting of the proposed dwellings respectively. Due to the distance between dwellings, it is not considered that the proposed dwellings would overlook the neighbours habitable rooms or immediate amenity area to a significantly harmful extent.

- 6.12 I do not consider the proposals would have a significant harmful impact upon the amenities of any other neighbouring property.

Highways

- 6.13 The site has an existing residential use and the development would continue to have vehicular access of St Faiths Lane which is a private street. The KCC Highways Officer has not objected to the proposal. The proposed dwellings have double garages with driveway areas in front of the dwellings, with provision for 3 car parking spaces per dwelling. Objections have been received relating to issues of congestion, lack of turning points and public safety for the users of the lane. St Faiths Lane is a private street in which the highways authority has no jurisdiction. I do not consider the vehicular movements of the additional dwelling would generate significant enough vehicular movements to and from the site to result in highways safety issues along St Faiths Lane or Tower Lane, to justify refusal on the grounds of highway safety.

Landscaping

- 6.14 The submitted plans indicate a small area of garden to the front Plot 2, which ensures the retention of an existing TPO tree .To the rear of the plots, each property is shown to have a patio and garden area with the maintenance of existing shrubs/hedge along the rear boundary line and addition of shrub/hedge planting to match the existing. I consider the landscaping shown would be appropriate for the site, given its small plot size. The Landscape Officer recommends a pre-commencement landscaping condition ensuring which includes the provision of tree protection details in accordance with BS 5837: 2012, which I consider necessary to ensure the retention and protection of the TPO tree shown on Plot 2.

Other Matters

- 6.15 Given the existing residential use of the site and existing gravel drive and well maintained lawn with the garden areas, I do not consider there to be any significant issues with regard to a possible impact upon protected species. A condition is attached to ensure biodiversity enhancements through bird/bat boxes.
- 6.16 Issues relating to; disturbance from construction; maintenance costs for the private lane; damage to property and land covenants are not planning considerations which can be taken into account.

7.0 CONCLUSION

- 7.01 The amendments to the two proposed detached dwellings due to the lower height of the roof, amended roof pitch and set back of the first floor rear elevation ensures that the proposal does not cause an unacceptable loss of privacy, and would not appear significantly overbearing or oppressive to the rear properties, thus overcomes the reasons for the refusal outlined in 16/504496/FULL.
- 7.02 For the reasons above, the application is considered to be acceptable and accords with the adopted local plan policies, emerging local plan policies and accords with the principles of the NPPF. As such I am recommending approval subject to conditions.

- 8.0 RECOMMENDATION – GRANT** Subject to the following conditions;

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CONDITIONS to include

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Prior to any development above damp proof course level, written details and samples of the materials to be used in the construction of the external surfaces of the buildings and hard surfaces 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.

3. The development shall not commence 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 to be retained together with measures for their protection during the course of development in the form of a Tree Protection Plan undertaken by an appropriately qualified party in accordance with BS5837:2012. This shall specifically include the retention and new planting of the existing hedgerow shown on 1720.P.10 Rev A which runs along the site's rear (south-eastern) boundary with no.10 & 11 St Faiths Court; and the retention and protection measures for the TPO tree within Plot 2. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012.

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development and a high quality of design,

4. The approved landscaping scheme shall be implemented in the first available landscaping season following first occupation of the development hereby permitted. 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 safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development and a high quality of design,

5. Prior to any development above damp proof course level, details of all fencing, walling and other boundary treatments shall be submitted to the Local Planning Authority and approved in writing. The approved details shall be implemented and these measures shall be retained at all times thereafter.

Reason: To ensure a satisfactory appearance to the development.

6. The development shall not commence until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development.

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7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted without the express permission of the council.

Reason: The further extension of these dwellings requires detailed consideration to safeguard the amenities of the surrounding area.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), no internal or external alterations shall take place to any garage, which would preclude its use for housing motor vehicles without the prior written approval of the Local Planning Authority.

Reason: To ensure that alterations are not carried out which would deplete the provision of car parking facilities within the site.

9. The development shall not commence until details of ecological enhancements within the development site, to include provision of swift bricks within buildings; and bat boxes have been submitted to and approved in writing by the Local Planning Authority and the approved details shall be maintained thereafter;

Reason: In the interests of ecology and biodiversity enhancement.

10. Prior to the commencement of development above damp proof course level details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development.

11. The development hereby permitted shall be carried out in accordance with the following approved plans: 1720.P.10 Rev A , 1720.P.11 Rev A received 21st October 2015.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

INFORMATIVES

HOURS OF WORKING (DEMOLITION/CONSTRUCTION)

No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

Construction

As the development involves demolition and/or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

Highways

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure

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that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Case Officer: Corinna Griffiths

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.