

APPLICATION: MA/09/1599 Date: 1 September 2009 Received: 3 November 2009
APPLICANT: Mr S Jarrett, Clarendon Homes
LOCATION: PLOT 2 VALHALLA, WARE STREET, WEAVERING, MAIDSTONE,
KENT, ME14 5LA
PARISH: Thurnham
PROPOSAL: Provision of vehicle parking to the front of the dwelling as shown on
an Ordnance survey based site location plan and drawing number 2
received on 17/09/09.
AGENDA DATE: 4th February 2010
CASE OFFICER: Angela Welsford

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

- Councillor Horne has requested it be reported for the reasons set out in the report

POLICIES

Maidstone Borough Wide Local Plan 2000: ENV6, ENV26.
The South East Plan RSS 2009: CC1, BE1.
Government Policy: PPS1, PPS3, PPG13.

HISTORY

The most relevant planning history is:

MA/08/2426 - Creation of vehicle crossover and provision of hard standing (at Plot 1) –
REFUSED, APPEAL ALLOWED.

(A copy of this appeal decision is attached as an appendix).

MA/08/0141 - Erection of two detached houses and garages - APPROVED

MA/07/2285 - Demolition of existing bungalow and erection of two detached dwellings
– REFUSED

CONSULTATIONS

Thurnham Parish Council: No objections.

Kent Highway Services: It is considered that this application will not be detrimental to the safety of users of the adjacent Public Right of Way or to the Highway, therefore I have no objections to the proposals in respect of highway matters subject to the following condition being attached to any permission granted:-

The access is adjacent to a Public Right of Way therefore pedestrian visibility splays of 2 m x 2m are required with no obstruction over 0.6 m above the access footway level and this shall be provided prior to the commencement of any other development in this application and shall be subsequently maintained.

Kent County Council Public Rights of Way Officer: Vehicles may reverse onto the Public Right of Way and be unable to see up the path due to proximity to dwelling. As drawn the turning circle is very acute when turning towards the dwelling.

Landscape Officer: (verbal comments) The proposal is unlikely to have any adverse impact on the approved landscaping and does not require the species of trees to be swapped over, (as was the case under the appeal on Plot 1), as there is adequate space.

REPRESENTATIONS

Councillor Horne has objected to the proposal on the following grounds:

"Thank you for your courtesy in sending me the full report by the Inspector. I note that in allowing the Appeal, the Inspector laid down careful and comprehensive conditions for landscaping.

I note that the original application stated – the existing vehicle access reduced to pedestrian only at the front of the house. This was accompanied by extra 0.9m fencing and the retention of the landscaping.

The whole aim of the submission was based on garaging to the rear of the built houses.

The Inspector stated that any alternation to parking at Plot 2 would be based on its merits.

The distinction is that Plot 2 is situated upon and shares a pedestrian PROW. Any addition to the car movements must be viewed against ensuring the health and safety of pedestrians using that facility; particularly children who need a safe off road environment.

As the Inspector stated for plot 1- it is likely that the houses will be occupied by a multi car family and the front parking is necessary for visitors.

Equally, in the current application, the convenience of access to the next door and the rear property who also share the common access over this PROW must be considered.

In the circumstances, I am not satisfied that this additional parking area will lead to a restraint of car movements across a recognised PROW and could exacerbate the potential risk of injury to pedestrians.

For these reasons, I wish to object to the current proposal.”

Objections have been received from **one neighbouring property**, upon the following grounds:-

- Loss of green space
- Pedestrian safety on the public footpath
- Original scheme would not have been permitted if this had been included.

CONSIDERATIONS

Site and Situation

The application site is a plot of land, located just within the urban area of Maidstone. Originally containing one dwelling, planning permission has recently been granted for the redevelopment of the site to contain two dwellings which have now been constructed. The approved vehicular access to the houses was via a public footpath (already used by vehicular traffic) to the north western boundary of the site, leading to two parking spaces for each dwelling (one each within a garage and one outside of it). The street-scene is made up predominantly of detached properties, being set at a higher level than the road, often with low retaining walls with landscaping on top of them to the front boundary. Most properties have a driveway leading on to Ware Street, and also a soft landscaped area (e.g. lawn etc).

Proposal

Planning Permission is sought for the construction of a vehicular parking space on the frontage of the property upon Plot 2. This would have a permeable brindle block paved surface and would be accessed off of the approved driveway/public footpath, so no new access would be created onto Ware Street. The total number of parking spaces for this plot would then be three – one here and two to the rear (one in the garage and one outside of it).

The development only requires planning permission because condition 13 of MA/08/0141 removed permitted development rights for the laying of hard-surfacing. The reason for that condition was “To safeguard the character, appearance and

functioning of the surrounding area in accordance with policy QL1 of the Kent and Medway Structure Plan 2006.”

PLANNING CONSIDERATIONS

Amount of car parking / previous reasons for refusal

I have perused the planning history for the site, including for the adjacent dwelling on Plot 1. Application MA/08/2426 (creation of a vehicle crossover and provision of hard-standing at Plot 1) was refused at the 12th March 2009 Planning Committee for the following reason:

“The development would result in an over-provision of parking for the dwelling which would lead to an unsustainable development that would promote increased dependency on the private car contrary to policy QL1 and SP1 of the Kent and Medway Structure Plan 2006, the provisions of Planning Policy Statement 1 - Delivering Sustainable Development and Planning Policy Guidance 13 - Transport.”

However, in allowing the appeal, (see appendix for appeal decision), the Inspector opined that, notwithstanding the location in relation to local facilities, due to the size of the property it was reasonable to expect future occupiers to own at least two cars, (see appendix, paragraph 8). There would thus be no parking provision for visitors. He went on to find that on-street parking in the heavily-trafficked and narrow Ware Street would effectively narrow the road width further and restrict visibility from existing accesses, and thus would not be conducive to maintaining road safety. He therefore concluded that “constraining the site to two parking spaces is likely at times to lead to inappropriate on-street parking, detrimental to highway safety.” (See appendix, paragraph 9).

This appeal decision is a strong material consideration given the identical (though handed) layout of the two dwellings and their approved parking facilities, (prior to the appeal decision). I therefore conclude that approval of this current application would be beneficial to highway safety.

I note that application reference MA/07/2285 was refused due to the extent of hard-standing and over provision of car parking. However, that scheme showed eight spaces between the two dwellings, with the approved scheme, MA/08/0141, providing four, two of which are in garages (with a further space estimated to be available upon the turning area in both applications). In addition to this, one more space was approved on the frontage of Plot 1 under the recently-allowed appeal, and one new space is now proposed at Plot 2, such that the proposal would still result in less car parking spaces than were originally refused for the two plots (6 as opposed to 8). Also, the new hard-surfacing would again be to the front, as with that at Plot 1, and would not therefore result in an increase to an existing large expanse of hard-surfacing, but instead two

separate areas, which I consider would have less impact due to the house and garden being situated between them. This issue is discussed further in the section assessing the impact upon the character and appearance of the street-scene.

Highway Safety

The key issue with regard to highway safety (inappropriate on-street parking in Ware Street) as found by the Inspector in the previous appeal decision, has already been discussed in the preceding section.

I do not consider there to be any other vehicular highway safety issues to consider as the proposal would utilise an existing access onto Ware Street. Interaction of pedestrians and vehicles on the public footpath that serves as the existing access is discussed in the next section.

Impact upon public footpath KH119

The vehicular access approved under application MA/08/0141 to serve the two dwellings is via public footpath KH119 which runs along the north-western boundary of the site. This was already used by vehicular traffic as the access for the occupiers of 'The Retreat' and 'Dyffrhyn View' as well as the former bungalow at 'Valhalla'.

Concern has been raised by Councillor Horne, a local resident and the KCC Public Rights of Way Officer that the proposed parking space would create a hazard to pedestrian safety on the public footpath. The Public Rights of Way Officer has commented that vehicles may reverse onto the public footpath and be unable to see up it due to the proximity to dwelling. However, Kent Highway Services have commented that the proposal will not be detrimental to the safety of users of the public footpath provided that pedestrian visibility splays of 2m x 2m are provided, with no obstruction over 0.6m above the access footway level, (which matter could be secured by condition).

From my site inspection, I consider that the geography and constraints of the site of the proposed parking area (steep initial gradient and proximity to the junction of the access with Ware Street) would make it unlikely that any vehicle using the space would be moving onto the public footpath at anything other than a very low speed. Furthermore, I saw that a pedestrian coming along the footpath from the south-west (rear of the dwelling) towards the road should have an adequate view of any such vehicle (subject to the maintenance of the pedestrian visibility splays recommended above) to avoid a significant hazard to safety.

At approximately 8m in length, the hard-standing is considered to be of sufficient size to avoid a vehicle parked there over-hanging and therefore obstructing the public footpath/vehicular access track.

Given that the public footpath is already used as a vehicular access serving a number of dwellings, I do not consider that this proposal would give rise to a significant increase in the number of vehicles sufficient to be considered a hazard to pedestrians in terms of volume of traffic.

Impact upon the character and appearance of the street-scene

The street-scene is made up of predominantly detached dwellings and it is important to note that almost all of the properties upon the south western side of this part of the street have not only front accesses onto Ware Street but also a parking area in front of the building. Indeed, as already mentioned, an additional access and frontage parking/turning area has recently been allowed on appeal at Plot 1 (MA/08/2426 – see appendix for appeal decision). I do not therefore consider that the provision of frontage hard-surfacing would be out of character in this location.

Nor do I consider that the extent of hard-surfacing proposed would be out of character with the street. It has a smaller area than that permitted at Plot 1 (approximately 22m² as opposed to approximately 35m²), and in my view would have far less of an impact due to its set-back from the frontage with Ware Street and the presence of approved landscaping (indigenous hedge-planting and two trees – Bird Cherry and Crab Apple) in the intervening space (this can again be secured by condition), plus its height above road level arising from the gradient of the land. Furthermore, no additional access point would be created so the green frontage that was approved would be maintained.

It should also be noted that several of the other properties in the vicinity have quite extensive hard-surfacing areas. In particular, 'Leyfield Lodge' has a very wide hard-surfacing area across its frontage and there is a prominent parking area to the front of 'The Chase', which has low walls to its sides. Also, two adjoining driveways at 'High Chymes' and 'Kenmead' have resulted in a wide expanse of hard-surfacing and large break in soft landscaping. Most properties in this area can easily accommodate more than one car to a front parking area.

I therefore conclude that the proposal would not harm the character or appearance of the street-scene.

Impact upon landscaping

As noted above, a landscaping scheme has been approved under reference MA/08/1957 as part of the conditions discharge on the original permission for the two houses (reference MA/08/0141). This includes indigenous hedge-planting at the front of the site and two fruit trees, a Bird Cherry and a Crab Apple, on the area of lawn between the hedge and the location of the hard-surfacing now proposed, (which was shown on the approved landscaping plan as an area of path/lawn). The Landscape Officer has confirmed that the proposal is unlikely to have any adverse impact on the

approved landscaping and does not require the species of trees to be swapped over, (as was the case under the appeal on Plot 1), as there is adequate space in this instance.

I therefore conclude that there would be no adverse impact on approved landscaping.

CONCLUSION

In my judgement, the findings of the Inspector in the recent appeal decision with regard to Plot 1 are a strong material consideration in the determination of this application notwithstanding the difference between the two proposals and sites and the fact that each case is assessed on its own merits, due to the identical (though handed) layout of the two dwellings and their approved parking facilities, (prior to the appeal decision). Nevertheless, I have assessed all other matters raised specifically with regard to this current proposal, notably the issue of the safety of users of the public footpath. On balance, I consider that the potential benefit to highway safety that would arise from approval of this application would outweigh any potentially adverse impact on pedestrian safety on the public footpath since the latter can be adequately mitigated by a condition securing pedestrian visibility splays. The proposal would not harm the character or appearance of the street-scene, nor lead to the significant loss of previously approved landscaping. I therefore consider the proposal to comply with Development Plan Policy and recommend that Members grant planning permission subject to the conditions set out below.

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. Pedestrian visibility splays 2 m x 2 m with no obstruction over 0.6 m above the access footway level shall be provided prior to the first vehicular use of the parking space hereby permitted and shall be subsequently maintained;

Reason: In the interests of the safety of pedestrian users of Public Right of Way KH119, in accordance with Policy ENV26 of the Maidstone Borough Wide Local Plan 2000 and Policy CC1 of The South East Plan RSS 2009.

3. Unless otherwise agreed in writing by the Local Planning Authority, the proposed landscaping shown on drawing number 2 received on 17/09/09, including a double staggered hedge with a mix of 80% hawthorn, 10% hornbeam and 10% privet, a Crab Apple tree (T5) and a Bird Cherry tree (T6), shall be carried out in the first planting and seeding seasons following the completion of the development hereby permitted; 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 Policy BE1 of The South East Plan RSS 2009 and Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

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.