


APPENDIX 1.

MA/09/1599
3

P.P. Correspondence?	
REF:	14 JUL 2009
CHQ. DET. 2	
DRAWER	



Appeal Decision

Site visit made on 23 June 2009

by **L Rodgers** BEng CEng MICE MBA

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
T: 0117 372 6372
email: enquiries@pins.gsi.gov.uk
Decision date:
13 July 2009

Appeal Ref: APP/U2235/A/09/2101862

Plot 1 Valhalla, Ware Street, Weavering, Maidstone, Kent, ME14 5LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Gareth Hill (Clarendon Homes) against the decision of Maidstone Borough Council.
- The application Ref MA/08/2426, dated 9 December 2008, was refused by notice dated 12 March 2009.
- The development proposed is a new vehicle crossing, parking and turning.

Decision

1. I allow the appeal, and grant planning permission for a new vehicle crossing, parking and turning at Plot 1 Valhalla, Ware Street, Weavering, Maidstone, Kent, ME14 5LA in accordance with the terms of the application, Ref MA/08/2426, dated 9 December 2008, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No development shall take place until a fully detailed 1:100 scale plan of the proposed vehicle crossing, parking and turning areas has been submitted to and approved in writing by the local planning authority and the works shall thereafter be carried out as approved. The plan shall follow the layout outlined on Block Plan: Drawing No 1 and the hardsurfaced area, including the turning head, shall not exceed 2.4m in width unless agreed otherwise in writing by the local planning authority.
 - 3) No development shall take place until samples of the materials to be used in the construction of the exposed surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) No development shall take place until full details of the existing trees and hedgerows on the frontage of the property, together with details of those to be retained, have been submitted to and approved in writing by the local planning authority.
 - 5) All trees identified as being retained under condition 4 above must be protected from construction damage by barriers and/or ground protection in accordance with BS5837 (2005) 'Trees in Relation to Construction – Recommendations'. The development shall not begin until full details of

the protection, together with full details of the method of construction of the driveway 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 prior written consent of the local planning authority. The driveway shall be constructed in accordance with the approved method and details.

- 6) For the avoidance of doubt, Trees 3 and 4 shown on Block Plan: Drawing No 1 shall, unless with the prior written agreement of the local planning authority, be a Bird Cherry (Tree 3) and a Crab Apple (Tree 4) and shall be planted in the first planting season following completion of the development hereby permitted.
- 7) If within a period of five years from the date of the planting of any tree referred to in condition 6 above, that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its prior written approval to any variation.
- 8) Development shall not begin until details of the junction between the proposed access and the highway have been submitted to and approved in writing by the local planning authority; and the access shall not be brought into use until the junction has been constructed in accordance with the approved details. The details shall include the visibility splays/sight lines to be provided to each side of the access. These shall extend for a minimum of 43m in each direction measured to the nearside carriageway edge from a point 2m back from the carriageway edge along the centreline of the access. Within these visibility splays there shall be no obstruction to visibility that exceeds a height of 0.9m above the nearside carriageway level. Thereafter, no structure, erection or other means of obstruction exceeding 0.9m in height shall be placed within any visibility splay so provided.
- 9) Pedestrian visibility splays of 2m x 2m shall be provided before the access hereby permitted is first brought into use and thereafter, no structure, erection or other means of obstruction exceeding 0.6m in height shall be placed within any of the pedestrian visibility splays so provided.

Main issue

- 2. I consider that the main issue is whether or not the proposed vehicle crossing, parking and turning would constitute sustainable development.

5

Reasons

3. The Council's decision notice refers to two policies from the Kent and Medway Structure Plan 2006 (SP). Policy SP1 seeks to conserve and enhance Kent's environment and ensure a sustainable pattern of development whilst Policy QL1 is concerned with ensuring that all development is well designed and of a high quality.
4. The decision notice also refers to national policy in Planning Policy Statement 1: Delivering Sustainable Development (PPS1) and Planning Policy Guidance Note 13: Transport (PPG13). PPS1 makes it clear that sustainable development is the core principle underpinning planning and gives as a definition "development that meets the needs of the present without compromising the ability of future generations to meet their own needs."
5. PPG13 seeks to integrate planning and transport in order, amongst other matters, to promote sustainable transport choices and reduce the need to travel, especially by car. It goes on to say that local authorities should use parking policies, alongside other planning and transport measures, to promote sustainable transport choices and reduce reliance on the car for work and other journeys.
6. I consider it also relevant to have regard to Planning Policy Statement 3: Housing (PPS3) which makes it clear that one of the elements to be considered when assessing design quality is the extent to which development takes a design-led approach to the provision of car parking space, that is well-integrated with a high quality public realm and streets that are pedestrian, cycle and vehicle friendly. PPS3 was published some time after PPG13.
7. According to the Appellant the appeal property contains 5 bedrooms. This is not disputed by the Council. There is a reasonable quantity of amenity space to the rear and it seems to me that the property is most likely to be occupied by a large family. I consider that such a family is likely to have at least two cars and as a consequence of the property having only two parking spaces there would be no on-site provision for visitors.
8. The Council considers that the property is well located in respect of local facilities and access to bus and train services. However, I note that the bus and train stops are around 3/4km from the appeal site and that, particularly during the off-peak times, the service levels reduce to once or twice per hour into Maidstone. In my view this level of public transport provision is unlikely to have a significant effect on the car ownership of any future occupiers. Whilst I accept that there are also good local facilities in terms of shops, pubs etc., it remains my view that future occupiers of the appeal dwelling are, because of its size, likely to own at least two cars.
9. There appear to be few sensible and realistic alternatives to on-site parking. Ware Street is narrow and, particularly near the site, contains a number of residential accesses. I saw on my visit that Ware Street is heavily trafficked. On-street parking would effectively narrow the road width and restrict visibility from the existing accesses and in my view would not be conducive to maintaining road safety. Other opportunities for on-street parking are considerably further away from the appeal site and consequently would not be seen as attractive options. To my mind, constraining the site to two parking

spaces is likely at times to lead to inappropriate on-street parking, detrimental to highway safety.

10. A number of local residents have raised concerns over the impact of the proposed development on the character and appearance of the area and over the effect that an additional access would have on highway safety. I shall consider both these matters. However, I note that the Council has not raised any substantive objections in either regard.
11. Turning first to highway safety, whilst Ware Street carries a significant amount of traffic, the proposed access would lie within a 30mph zone. The general arrangement of the access would be little different to others along that stretch of road and although it may be argued that the proposed space could result in some additional vehicle movements onto and off Ware Street, I do not consider that these would be so numerous as to lead to material harm. Subject to the provision of appropriate visibility splays to protect both pedestrian and highway safety, both of which could be secured by condition, I find the access satisfactory in this respect.
12. In terms of character and appearance, frontage parking is already characteristic of the existing properties along this part of Ware Street and many of the properties are themselves already clearly visible from the road. I accept that construction of the access would result in the loss of some of the existing frontage vegetation and part of the bank. However, in the context of the existing street scene and subject to conditions securing the visual appearance of the development, I do not consider that the loss of a section of hedgerow and the consequent enhanced prominence of the buildings behind would be so significant as to cause material harm.
13. It is therefore my view that there would be no material harm to highway safety or the character and appearance of the area were the development to proceed. Nevertheless, I accept the premise that restricting the number of parking spaces is likely to reduce the propensity of future occupiers and their visitors to travel by car, albeit marginally. I also accept that reducing car travel reflects the broad aims of several local, regional and national policies. Weighed against this is my view that dismissing the appeal would increase the likelihood of parking on Ware Street which I consider would be detrimental to highway safety.
14. On balance, I adjudge that if this appeal were allowed, the potential benefit to highway safety would outweigh any potential harm arising from a marginal increase in car travel and in my view the additional parking space inherent in the proposal would align with the design-led approach to residential parking advocated by PPS3. The Appellant suggests that 3 spaces would not exceed the residential parking standards given in the Kent and Medway Structure Plan for a 4+ bedroom property and, whilst I have not been provided with the standards themselves, I note that this statement has not been challenged by the Council.
15. For the reasons above, it is my view that the proposal as a whole would represent sustainable development and there would be no material conflict with the development plan or national policy.

Conditions

16. The Council has suggested a number of conditions were I to allow the appeal. In addition to those above relating to the provision of visibility splays I agree with the Council that a condition requiring a more detailed plan of the proposed access and driveway would be needed in order to ensure that there are appropriate controls over the appearance of the proposed development. A condition requiring the submission of material samples for approval would also be necessary in the interests of ensuring an acceptable appearance.
17. I understand that a landscaping scheme has previously been submitted in respect of the new dwellings. I further understand that this included the species of trees to be planted in the positions shown as 'Tree 3' and 'Tree 4' on Block Plan: Drawing No 1 (submitted with the appeal). However, I agree with the Council that, for reasons of size and spread, the species of tree shown as part of the previous landscaping scheme should be swapped. For the avoidance of doubt I shall impose a condition specifying the species of tree to be planted in each of the positions. Should the appeal development proceed, this condition will supersede the previous landscaping scheme in respect of Trees 3 and 4.
18. I shall also impose a condition requiring the replacement of any tree that dies within five years of its initial planting. Again, for the avoidance of doubt, this condition applies only to Trees 3 and 4. I do not consider it reasonable or necessary to extend this condition to other trees or to turf or plants which should have been dealt with under the previously submitted landscaping scheme.
19. I also understand that in granting permission under MA/08/0141 certain vegetation was identified as being retained. However, as the proposed access is likely to have a greater impact on the existing vegetation I shall impose a condition requiring the submission of full details of the existing trees and hedgerows on the frontage of the property, together with details of those to be retained. Those trees and hedgerows to be retained will need to be protected during any construction works and a condition to that effect would be both reasonable and necessary. For clarity, and to accord with Circular 11/95, I shall amend the Council's suggested wordings where necessary.

Other matters

20. I am aware that concerns have been raised that allowing this appeal would undermine previous decisions and conditions and would set a precedent for future applications, particularly in respect of Plot 2. However, I have considered this appeal afresh and on its own merits. I also note from the Officer's report that the original scheme showed eight parking spaces associated with the two plots, more than would be provided by allowing this appeal. Any future application submitted in respect of Plot 2 would similarly need to be considered on its own merits.
21. I have also had regard to the other policies brought to my attention, particularly LP Policy T13 and its supporting text, and those policies in the South East Plan identified by the Council as having some relevance to this appeal. However, I have found nothing to alter my view that the proposed development would be acceptable. The suggestion from local residents that

the properties now on site have not been constructed in accordance with the approved plans is a separate matter for the Council and I have not considered it further as part of this appeal.

Conclusion

22. Against the background above, and having had regard to all other matters before me, including the further concerns of neighbours over the accuracy of the submitted drawing, the elevation of the proposed driveway and the positioning of the dwellings relative to the established building lines, I find nothing to alter or outweigh my conclusion that the appeal should succeed.

Lloyd Rodgers

Inspector