

APPLICATION: MA/09/2291 Date: 15 December 2009 Received: 17 December 2009

APPLICANT: Mrs L Saunders

LOCATION: 75, HEATH ROAD, MAIDSTONE, KENT, ME16 9LD

PARISH: Maidstone

PROPOSAL: Erection of a three bedroom detached house as shown on drawing nos. 2008/36/6A and 2008/36/3C received on 17th December 2009.

AGENDA DATE: 4th February 2010

CASE OFFICER: Richard Timms

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

- an officer of the Local Planning Authority is the applicant

POLICIES

Maidstone Borough-Wide Local Plan 2000: T13
The South East Plan: SP3, CC1, CC4, CC6, H5, T4
Government Policy: PPS1, PPS3

HISTORY

MA/09/1441 Retrospective planning permission for the creation of two parking spaces – APPROVED WITH CONDITIONS

MA/09/0970 Amendment to approval MA/08/1903 (Erection of a detached three bed dwelling) being alterations to roof pitch, alterations to internal arrangement and fenestration - WITHDRAWN

MA/08/1903 Erection of a detached three bed dwelling – APPROVED WITH CONDITIONS

MA/08/1902 Erection of single storey front extension – APPROVED WITH CONDITIONS

CONSULTATIONS

Kent Highway Services: No objections

Environmental Health Manager: No objections

REPRESENTATIONS

Neighbours: One representation received raising the following points:

- Overlooking, loss of privacy and loss of light.
- Will set a precedent.
- Concern regarding the number of applications at the site and retrospective permission.

CONSIDERATIONS

This is a full application for the erection of a detached 3 bedroom dwelling at 75, Heath Road, Maidstone. The application site is within the defined urban area of Maidstone and not within any specially designated areas.

Site & Setting

The application site relates to the curtilage of 75, Heath Road a two storey semi-detached dwelling on the south side of Heath Road. The dwelling is at the eastern end of a uniform row of four semi-detached, ex-police houses constructed in the 1950's. They are not of any great architectural merit, however they do have their own character which contributes to this part of Heath Road. The buildings are set back just over 10m from the road, with some front gardens featuring driveways and landscaping to the west.

The frontage of the site features a raised parking area for 2 cars on the west side that was granted retrospective permission at Planning Committee in October last year under application MA/09/1441, and there is a separate driveway on the east side. The dwelling is lower than Heath Road by approximately 1m. A 2m high privet hedge forms the eastern boundary to the front of the site. There is a single storey flat roofed garage that has been partially demolished and a flat roof extension to the east of the dwelling linked by a brick wall of approximately 2.5m in height.

To the north, on the opposite side of Heath Road are a row of two storey terraced dwellings. To the immediate east is a footpath which provides access to nos. 69, 71 and 73, Heath Road. Further east is 63, Heath Road, part of a row of three terrace dwellings, set forward of the ex-police houses by just under 9m. To the rear, south and

southeast are new two storey dwellings at St David's Gate and to the west is the adjoining dwelling, 77, Heath Road.

The site features straight, regular boundaries on the north, south and west sides but a irregular part curved, part straight boundary on the east side as it follows the footpath.

Planning History

This application follows a very similar scheme for a 3 bedroom dwelling approved at Planning Committee on 11th December 2008 (ref. MA/08/1903). Amendments are now sought to that scheme to provide additional space on the first floor as follows:

- The first floor would extend further forward at the front by 1.6m to be flush with the ground floor.
- The roof of the building has a shallower pitch from 30° to 25° (to maintain the previously approved ridge and eaves height). As a result, the two storey rear projection would be 0.3m lower, and the monopitch roof at the rear on the west side would extend 0.2m higher as would the rooflight here.
- Changes to fenestration: Front elevation: front door and window switched to east side and first floor windows symmetrically placed. Rear elevation: slightly larger first floor 'bedroom 3' window.
- Changes to the internal arrangements on ground floor due to the change of entrance, and bathroom moved to rear on the first floor.
- External finish changed with the use of coloured brick quoins on corners of building.
- Changes to the parking layout and landscaping at front of site due to the new parking area for no. 75. Previously the existing access would have been shared but now it would only serve the new dwelling.

(The main differences between the approved and proposed dwelling are illustrated at the **Appendix** to this report)

Application MA/09/0970 sought similar amendments to the original proposals but was withdrawn in July last year in order to resolve issues with the raised parking area, which had been constructed without planning permission. As stated above, this now benefits from permission under application MA/09/1441.

Proposed Development

It is proposed to erect a detached two storey dwelling to the east of 75, Heath Road. The proposal would involve the demolition of the existing single storey flat roof extension and flat roofed garage to the east side of no. 75 to provide room for the dwelling.

As before, the dwelling would be sited 1.6m forward of the main building line of the semi-detached dwellings to the west but in line with the single storey front extension, which was approved at Planning Committee on 30th October 2008 under application MA/08/1902 and has been constructed. However, now the first floor section would also be in line with this projection.

The dwelling would feature a pitch roof with gable sides, ridge height 7m and eaves 4.8m. The ridge line would run parallel to Heath Road. To the rear would be a part two, part single storey rear extension, projecting for 3m beyond the rear of the main house. This would be set down from the main ridge by 0.8m. The east side of the dwelling would step in around 1m as the dwelling follows the tapering eastern boundary of the site with the footpath. The footprint of the dwelling remains the same as the previously approved scheme.

The materials for the new dwelling would be the same as before being red bricks and brown concrete roof tiles but now with coloured bricks for the quoin detailing.

To the front, the existing hardstanding would be reduced on the west side to provide additional landscaping and extended by 1m on the east side to provide two parking spaces for the new dwelling. Space for landscaping would be retained on the west and east sides of the site.

The rear garden would be split in two along the line of the east flank wall of the existing dwelling with fencing and all other boundaries would remain as existing.

Principle of Development

The site constitutes previously developed land and the principle of developing such a site within the defined urban area of Maidstone is in tune with Local Plan policies and Government Guidance in PPS3, which encourages the best use of previously developed land in urban areas and sustainable locations. Clearly, the principle of the development has also been accepted by the Council in approving the previous application.

Visual Impact

The main change from the previous scheme is the extension of the first floor section at the front so that this elevation is level with the ground floor. This would bring the dwelling forward of the first floor of no. 75 by 1.6m, whereas the previous scheme had its first floor in line.

I note there is an established building line at first floor level to the west, however the neighbouring building to the east, no. 63 Heath Road is set significantly forward (8.5m) of these properties so the building line of the street does change at this point. Because of this I do not consider the dwelling would appear unduly out of character or harmfully prominent with this 1.6m projection.

The dwelling remains of similar design to no. 75 and its neighbour with ridge and eaves lines closely matching. The roof pitch is slightly shallower but still similar to neighbouring buildings so acceptable within the streetscene. The changes to fenestration do not result in a material change to the appearance of the dwelling and are considered acceptable. Materials would match these properties and I therefore consider the design of the dwelling to be acceptable at this location.

Coloured brick quoins are shown at the corners of the building, which whilst not a feature on neighbouring buildings would add some interest to the building, which I consider acceptable. I note under the previous application, condition 4 required an alternative plan to be submitted showing different external materials at ground and first floor level to break up the east flank elevation of the dwelling. I do not consider the brick quoins are sufficient to break up the mass of the east flank wall, which would be visible from Heath Road and face onto no. 63 to the east. I therefore recommend the same condition once more to address this.

With regard to the front of the site, condition 6 of the previous permission required an amended plan showing an alternative parking layout to the front of the site to ensure adequate access to parking spaces, a reduction in hardstanding and increased landscaped areas to the front and east side of the site. As the driveway would now serve only one dwelling there is adequate access to the 2 parking spaces. Additional space for landscaping is proposed on the east side at the front and although the drive would be extended on the west side by a metre there is still a 2m space for landscaping. I consider this would be visually acceptable.

I note that Members also sought permeable surfacing at the front of the site, however, the majority of hard surfacing exists and to request that this be replaced with permeable surfacing to my mind would be unreasonable and fail one of the tests set out in Circular 11/95 '*The Use of Conditions in Planning Permissions*'. However, the applicant intends to use permeable tarmac for the metre extension on the west side, which is welcomed.

Policy CC6 of the South East Plan refers to sustainable communities and the character of the environment and states that decisions associated with development should respect and where appropriate enhance the character and distinctiveness of settlements. In this case, I consider the development would not be harmful and would respect the character of Heath Road in line with this policy.

Residential Amenity

In terms of privacy, there are no significant changes from the previous application. The nearest first floor window facing south towards St David's Gate at the rear, has changed from a bedroom to a bathroom so can be obscure glazed. This window was previously considered acceptable as a bedroom window so an obscured bathroom window is acceptable. The rear first floor window for 'bedroom 3' would be 0.3m wider than previously approved but due to the oblique angle to no. 75, a loss of privacy would not occur, as was previously considered the case. The marginally higher roofline would also not have any unacceptable impact.

Impacts upon light and outlook of neighbouring properties to the rear would be no different to the previous scheme. At the front, the first floor part of the dwelling would now project forward of no. 75 by 1.6m. Having carried out the relevant BRE light tests, the nearest front window on no. 75 would not suffer from an unacceptable loss of light. Nor do I consider a 1.6m projection, 1.7m from this window would be overbearing or present an unacceptable outlook. There is a first floor flank bathroom window that would be blocked by the dwelling but I do not consider this to be unacceptable, being a common situation in urban areas. At 7m from the side of 63 Heath Road to the east and set back from this property, I do not consider the dwelling would have any significant impact above the previously approved scheme here.

Highways & Parking

Once more, no objections have been raised to the parking provision and layout by Kent Highway Services. The proposals utilise an existing access and would not increase its previous usage still being used by only one dwelling. Neighbour representations were received under the last application in relation to the safety of vehicles reversing onto Heath Road. This was discussed specifically with the highways engineer who raised no objections as the site lies within a 30mph speed limit and cars which park along Heath Road, reduce speeds further. Consequently, vehicles passing the access do not travel at significant speeds. The highways engineer has confirmed that this remains the view.

Other Matters

Issues not addressed above include the proposals setting a precedent and a concern regarding the number of recent applications at the site. I do not consider the proposals would set any precedent as each application must be assessed on its own merits. The fact that there have been four applications at the site recently is not a reason for objecting to the proposals.

Conclusion

In conclusion, it is considered that the changes from the previous scheme are acceptable and that the development accords with Development Plan policy for housing, being within the urban area of Maidstone. The dwelling would not cause

unacceptable harm to the character or appearance of the area and would not have unacceptable impacts upon the amenity of neighbouring properties. There are no highway objections and therefore I recommend planning permission be granted subject to the following conditions.

RECOMMENDATION

Subject to the expiry of the site notice publicity date and the receipt of no representations raising new issues, I be given DELEGATED POWERS to 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. 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(es) A, B, C and D to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the amenity of surrounding properties in accordance with policy SP3 of the South East Plan, PPS1 and PPS3.

3. 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 dwelling 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 SP3 and CC6 of the South East Plan, PPS1 and PPS3.

4. Notwithstanding drawing no. 2008/36/6A received on 17th December 2009 the development shall not commence until an alternative plan has been submitted to and approved in writing by the Local Planning Authority showing different external materials at ground and first floor level to break up the east flank elevation of the dwelling;

Reason: To ensure a satisfactory appearance to the development in accordance with policies SP3 and CC6 of the South East Plan, PPS1 and PPS3.

5. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the dwelling or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers in accordance with policies SP3 and CC6 of the South East Plan, PPS1 and PPS3.

6. No development shall take place until details of the landscaping scheme for the site including the species, their sizes and locations, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management have been submitted to and approved in writing by the Local Planning Authority.

Reason: No such details have been submitted and to ensure a satisfactory setting and external appearance to the development in accordance with policies SP3 and CC6 of the South East Plan, PPS1 and PPS3.

7. 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 dwelling 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 SP3 and CC6 of the South East Plan, PPS1 and PPS3.

8. The dwelling shall achieve at least a Level 2 of the Code for Sustainable Homes. No dwelling shall 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 in accordance with policies SP3, CC1, CC4, H5, PPS1 and PPS3.

9. Before the development hereby permitted is first occupied, the proposed first floor rear bathroom window shall be obscure glazed and shall be incapable of being

opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To prevent overlooking of adjoining properties in accordance with policy SP3 of the South East Plan, PPS1 and PPS3.

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.