

## REPORT SUMMARY

<b>REFERENCE NO -</b> 17/502118/FULL		
<b>APPLICATION PROPOSAL</b> Erection of dwellinghouse and engineering operations to create off road parking		
<b>ADDRESS</b> Mount Lodge Church Lane Bearsted Maidstone Kent ME14 4EF		
<b>RECOMMENDATION - APPROVE</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The details are considered to comply with the policies of the Development Plan, where relevant, and the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning consent		
<b>REASON FOR REFERRAL TO COMMITTEE</b> - Bearsted Parish Council wish to see application refused and reported to Planning Committee		
<b>WARD</b> Bearsted	<b>PARISH COUNCIL</b> Bearsted	<b>APPLICANT</b> Mrs Diana Bishop
<b>DECISION DUE DATE</b> 10/09/17	<b>PUBLICITY EXPIRY DATE</b> 26/05/17	<b>OFFICER SITE VISIT DATE</b> 17/05/17
<b>RELEVANT PLANNING HISTORY: SEE ATTACHED REPORT</b>		

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

1.01 SEE ATTACHED REPORT

### 2.0 PROPOSAL

2.01 SEE ATTACHED REPORT

### 3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, T13
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Final Draft Maidstone Local Plan (2017): SP1, DM1, DM11, DM23

### 4.0 LOCAL REPRESENTATIONS

4.01 SEE ATTACHED REPORT FOR PREVIOUS COMMENTS

4.02 3 further representations have been made from 1 Little Orchard and The Vicarage, raising concerns over privacy; proposal being out of character; parking provision; boundary treatments; and rights of way.

### 5.0 CONSULTATIONS

5.01 **Consultee responses:** SEE ATTACHED REPORT FOR PREVIOUS COMMENTS

5.02 **Councillor Springett** has commented as follows on amended plans:

*"I am very pleased to see the revised roof design and removal of the garage which will greatly improve the street scene. I fully accept the argument regarding the lowering of the slab levels by 1 metre instead of 2 to ensure roof height is not lower than that at Little Orchard. My only comment would be a disappointment that the property is still set back from the front of Mount Lodge, which although ensuring a level of privacy for the patio area at Mount Lodge, it does not assist with the privacy issue for the rear patio at Little Orchard. It also leaves room for a potential garage in front of the house, which was one of the objections I had. If it was possible to move the property, as designed, forward in the plot to align the front and rear elevations with that of Mount Lodge, I would fully support this application. It would be helpful in this respect if the outline of the new property could be shown on the measured survey, as it would give a clear indication of the alignment of the new property relative to the properties either side."*

- 5.03 **Bearsted Parish Council:** Raise no objection pending resolution of car parking issues and access over neighbouring driveway issues.

## **6.0 BACKGROUND INFORMATION**

- 6.01 This application was reported to Planning Committee on 27<sup>th</sup> July 2017 and subsequently deferred for the following reason:

*That consideration of this application be deferred to seek to secure (a) changes in roof profile and bulk to reduce mass of development and (b) reductions in height of proposed slab levels, in order to mitigate impact of proposal on 1 Little Orchard.*

## **7.0 APPRAISAL**

- 7.01 As requested by the Members of Planning Committee, the amended scheme has seen the barn-hipped roof design of the house amended to a fully hipped design. I am satisfied that this has adequately reduced the bulk and mass of the proposal.
- 7.02 The amended plans now also show the ridge height of 1 Little Orchard within the streetscene and it has been confirmed that the proposal itself would be set down approximately 1m below the threshold level of Mount Lodge. The agent has confirmed that the slab levels have not been lowered a further 1m, as requested by Members of Planning Committee. This is because it was not deemed necessary by the agent, given that the amended plans have better clarified the relationship between the proposal and the neighbouring properties (particularly 1 Little Orchard). In my view, the proposal (with its hipped roof) has been shown to not have an adverse impact upon the occupants of 1 Little Orchard or any other property; and if the proposal was set down a further metre say, it would look incongruous within the streetscene where the properties step down in sequence, in response to the topography of the street.
- 7.03 Whilst this was not a reason for deferral by Members of Planning Committee, the proposal now also shows the removal of the garage to the front of the site. This opens up views of the site to the benefit of the character of the area and this change is welcomed.
- 7.04 Councillor Springett has welcomed the amendments and accepts the argument made regarding the lowering of the slab levels, but is disappointed that the property has not been brought forward in the site, to reduce its impact upon 1 Little Orchard. It must be stressed that changing the position of the new house was not part of the reasons for deferral by Members; and as set out above, the amended proposal is not considered to have an adverse impact upon the occupants of any neighbouring property in terms of loss of privacy or appearing overbearing. This suggestion is therefore considered to be unnecessary.

### **Other Matters**

- 6.0 SEE ATTACHED REPORT

## **8.0 CONCLUSION**

- 8.01 The issues raised by Councillor Springett, Bearsted Parish Council and the neighbours have been considered in the recommendation put forward and it should be added that issues of rights of way over land is a civil matter that needs to be dealt with privately between the interested parties, it is not a material planning consideration in the determination of planning applications. Furthermore, no objection is still raised in terms of parking provision and details of boundary treatments will be requested by way

of condition; and relevant conditions have been changed/added to reflect the submitted amendments.

8.02 It is considered that the reasons for deferral have been suitably addressed and the view therefore remains that the proposal would not cause unacceptable visual harm; it would not have an adverse impact upon the living conditions of any neighbouring property or upon future occupants; it would not result in a highway safety issue; and all other matters are acceptable as set out in the original committee report. I therefore recommend approval of the application on this basis.

**9.0 RECOMMENDATION** - GRANT planning permission subject to 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, including those of the roof, elevations, hard surfaces and retaining walls, hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

(3) The approved details of the parking 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 2015 (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 is likely to lead to parking inconvenient to other road users and in the interests of road safety.

(4) The development hereby approved shall not commence above slab level 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 building(s) 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.

(5) Prior to commencement of works/development above DPC level, written details of a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority which shall include a long term management plan. The scheme shall be designed using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines;

Reason: To ensure a satisfactory appearance to the development.

(6) 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 buildings 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 appearance to the development.

- (7) Prior to commencement of works/development above DPC level, written details of the provision of swift and/or bat/bird bricks/boxes within the building shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to the first occupation of the property and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: In the interests of biodiversity enhancement.

- (8) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter;

Reason: To ensure an energy efficient form of development. Details are required prior to commencements as these methods may impact or influence the overall appearance of development.

- (9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extensions shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the surrounding area and in the interests of residential amenity.

- (10) Before the development hereby permitted is first occupied, the proposed first floor flank windows shall be obscure glazed and shall subsequently be maintained as such to the satisfaction of the local planning authority;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

- (11) The finished threshold level of the dwelling hereby approved shall not exceed 56.30AOD unless otherwise agreed in writing by the local planning authority;

Reason: To prevent harm to the residential amenity of neighbouring occupiers.

- (12) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing number 2144 (29/09/17 revision) and unnumbered proposed elevations and floor plans (08/09/17 revision) received 12/09/17;

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

Case Officer: Kathryn Altieri

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.