

APPLICATION: MA/09/2251 Date: 7 December 2009 Received: 9 December 2009  
APPLICANT: Mr B. Hedley  
LOCATION: LAND ADJACENT TO 43A, PARK WAY, MAIDSTONE, KENT  
PARISH: Maidstone  
PROPOSAL: Demolition of existing single storey side extension and detached garage and erection of a new chalet style dwelling as shown on drawing numbers 09.536/01 B and 09.536/02 B received on 9/12/09.  
AGENDA DATE: 25th February 2010  
CASE OFFICER: Peter Hockney

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

- Councillor Yates has requested it be reported for the reason set out in the report

### **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, T13  
South East Plan 2009: CC4, H4, H5, M1, BE1, T4  
Government Policy: PPS1, PPS3, PPG13

### **1. RELEVANT HISTORY**

MA/08/1562 – Outline planning permission for the erection of 1no. three bedroom dwelling with access to be considered at this stage and all other matters reserved for future consideration (re-submission of MA/08/0793) – REFUSED.

MA/08/0793 – Outline planning permission for the erection of one, three bedroom dwelling with external appearance, siting and design to be considered at this stage and all other matters reserved for future consideration – WITHDRAWN.

MA/07/2561 – Demolition of existing single storey side extension and detached garage and erection of new three bedroom dwelling – REFUSED.

MA/07/1852 – Demolition of existing single storey side extension and detached garage and erection of new three bedroom dwelling and creation of hardstanding – REFUSED.

MA/07/1391 – Demolition of existing rear extensions and erection of new rear extension, replacement of existing rear flat roof with pitched roof. Sub division of existing dwelling to form two, three bedroom dwellings and creation of new vehicular access – APPROVED.

MA/89/0515 – Variation of condition of MA/87/2075 – APPROVED.

MA/87/2075 – Extension to existing house – APPROVED.

## **2. CONSULTATIONS**

**MBC Environmental Health Manager** raises no objections to the application and recommends informatives to be added to any approval.

## **3. REPRESENTATIONS**

**4.1 Cllr Yates** has called the application to Planning Committee if officers are minded to approve the application stating:-

“That considering the size and physical constraints of the site that construction of the Chalet would appear incongruous and seriously erode the rhythm of the street scene.”

**4.2 One letter** of objection has been received on the following grounds:-

- The development is out of character in the area.
- Loss of privacy.

## **4. CONSIDERATIONS**

### **5.1 Background and History**

5.1.1 The site originally formed part of a corner plot at the junction of Park Way and Holtye Crescent, which contained a pair of semi detached dwellings (43 Park Way and 119 Holtye Crescent). Under planning application MA/07/1391 permission was given for extensions and alterations to 43 Park Way and the subdivision of the property to two dwellings. This application has been implemented and the result is a terrace of three properties on this corner plot.

5.1.2 More recently, applications have been submitted to erect an additional dwelling adjacent to number 43A Park Way. These have been made under references MA/07/1852, MA/07/2561, MA/08/0793 and MA/08/1562. All of the applications were refused apart from MA/08/0793 (which was withdrawn). The reasons for refusal were all similar and related to the impact that the development would have on the street scene with regard to its erosion of the gap between the properties and the impact on the rhythm of the street.

### **5.2 Site Location and Description**

5.2.1 The application site relates to an existing two storey dwelling and garden area on a corner plot at the junction of Park Way and Holtye Crescent. The site is adjacent to 43A Park Way.

5.2.3 The site is located within the defined settlement boundary of Maidstone in a residential area. The land is level and there is on street parking without restrictions. The dwellings are a mix of detached and semi-detached properties of varying designs though all 2-storey. There are no trees of any note on the site.

### 5.3 Proposed Development

5.3.1 The application is a full application for the erection of a new two bedroom dwelling that would be attached to 43A. The property has been designed to appear as a single storey/one and a half storey addition to 43A and maintains a low eaves height to the front, 2.6 metres. Two velux rooflights to the front would serve the first floor accommodation. The eaves height would rise to 3.8 metres on the side and rear. The design of the dwelling would incorporate an element of flat roof in order to keep the overall height of the property to a maximum of 4.9 metres. This height would be slightly lower than the existing eaves height of the dwelling at 43A.

5.3.2 The development would utilise an existing access onto Park Way and would provide off street parking spaces for two cars. The parking area would not take up the entire frontage and there would be sufficient space for landscaping and the creation of a front garden area.

### 5.4 Principle of the Development

5.4.1 The site is within the urban area of Maidstone and is previously developed land. As such, residential development is acceptable and would conform to both national and local policies.

5.4.2 This is evidenced by the previous applications that did not include a reason for refusal stating that the principle of residential development was unacceptable.

### 5.5 Impact on Street Scene

5.5.1 This is the key consideration in the determining of this application. Planning permission has been refused a number of times in the recent past on the ground that the development would have a harmful impact on the character and appearance of the street scene.

5.5.2 The previous developments would all have been two-storey properties that would have eroded the gap at first floor level between 43A and 45 Park Way.

This erosion of this gap would harm the rhythm of the street scene and was therefore deemed to be unacceptable.

- 5.5.3 Changes have been made to the development with a view to overcoming the previous reasons for refusal. The changes result in a low-rise dwelling that would be no higher than the eaves height of 43A. This is a significant reduction in height from the previous refused application of MA/07/2561 where the dwelling would have been 4.9 metres to the eaves and 8.6 metres to the ridge. This would have matched the height of the attached dwellings and the other dwellings in the area.
- 5.5.4 The proposed changes have resulted in a development that would maintain the gap above ground floor level between 43A and 45 Park Way. The maintenance of this gap would ensure that the rhythm of the street scene is preserved and that no significant harm would occur to the character of the street.
- 5.5.5 The proposed extension to form the dwelling would be set back from the corner of 43A and behind the position of the existing side extension. Therefore, whilst further forward than the front wall of 45 Park Way it would not be dominant in the street scene and would not significantly impact on the existing building line of Park Way.
- 5.5.6 The design of the proposal would appear as a one and a half storey extension to the existing dwelling of 43A and as such would not be out of character with the general area.
- 5.5.7 The use of the existing access would ensure there would be no additional crossovers onto Park Way and the maintenance of a front garden area would ensure that the site would be assimilated into the surrounding area.
- 5.5.8 On balance, the changes made to the scheme have resulted in a development that would maintain the gap at first floor level between 43A and 45 Park Way, maintain the rhythm of the street scene and not lead to an incongruous feature in the street. Therefore it has overcome the previous reasons for refusal on earlier applications.

## 5.6 Impact on Residential Amenity

- 5.6.1 The properties either side of the development would be 43A Park Way, which the new dwelling would be attached to and 45. These properties would be the most likely to be affected by the proposal.
- 5.6.2 The proposed development would not project beyond the rear wall of either 43A or 45. There are no windows in the flank elevation of number 45. Therefore

there would be no loss of light or an overwhelming impact on the occupiers of neighbouring dwellings.

5.6.3 The proposed dwelling would be orientated on the same axis as the neighbour at number 45 and therefore the windows would face towards the rear portion of the gardens at numbers 45 and 43A Park Way. There would be no overlooking to habitable rooms of neighbouring occupiers or private rear garden areas and therefore no significant loss of privacy.

5.6.4 The previous applications for a two storey dwelling were not refused on the grounds of impact on residential amenity and this proposal would have less impact.

#### 4.7. Other Considerations

5.7.1 There would be no additional access points proposed onto Park Way and as a result there would be no hazard to highway safety. Two car parking spaces are proposed and this level is acceptable for this urban location with access to the facilities of Maidstone town centre.

5.7.2 The proposed layout of the rear garden would ensure that the proposed dwelling and those for 43A and 43 are all adequate for providing private amenity space for family dwellings. This would conform to the requirements of Government guidance contained in PPS3.

5.7.3 The application includes details of the dwelling that would achieve level 3 of the Code for Sustainable Homes and this is considered appropriate for this scale of development.

## **5. 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. 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(s)

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 policy BE1 of the South East Plan (2009).

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping comprising a low front boundary wall with hedgerow behind, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and in accordance with policies ENV6 of the Maidstone Borough-Wide Local Plan (2000) and BE1 of the South East Plan (2009).

4. 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 building(s) 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 ENV6 of the MAidstone Broough-Wide Local Plan (2000) and BE1 of the South East Plan (2009)

5. The dwelling shall achieve Level 3 of the Code for Sustainable Homes. The dwelling shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved;

Reason: To ensure a sustainable and energy efficient form of development in accordance with Policies CC4 and M1of the South East Plan (2009), Kent Design Guide 2000 and PPS1.

6. 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, Classes A and B shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers in accordance with policy BE1 of the South East Plan (2009).

### **Informatives set out below**

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Clearance and burning of existing woodland or rubbish must be carried out without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

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.