

APPLICATION: MA/09/1883 Date: 15 October 2009 Received: 19 October 2009

APPLICANT: Mr C Chell

LOCATION: CHAREDA, PICKERING STREET, LOOSE, MAIDSTONE, KENT, ME15 9RH

PARISH: Loose

PROPOSAL: Demolition of existing bungalow and erection of 2 (no) new dwellings in accordance with plans numbered 014.1179.23B; 014.1179.27; 014.1179.28; 014.1179.29; 014.1179.22A; 014.1179.19; 014.1179.20A; 014.1179.26; 014.1179.25; 014.1179.31; and the design and access statement received by the Local Planning Authority on the 25 October 2009.

AGENDA DATE: 25th February 2010

CASE OFFICER: Chris Hawkins

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

- It is contrary to views expressed by Loose Parish Council

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, T13
South East Plan 2009: CC4, NRM11, T4, CC1, T4, H5, W1, W6, BE1
Village Design Statement: Loose Road Area Character Assessment
Government Policy: PPS1, PPS3, PPS9, PPG13

1.0 HISTORY

1.1 There is no planning history relevant to this application site.

2.0 CONSULTATIONS

2.1 Maidstone Borough Council Environmental Health Officer was consulted and made the following comments: -

2.1.1 'The proposed dwellings will be sited in a residential area of south Maidstone. Transportation noise is not an issue at this site. The Council's contaminated land database shows that contamination is unlikely at this site. The normal

informatives relating to dust, odour and noise should be added to any consent granted.'

2.2 Kent Highway Services were consulted and made no comment on this application. I have therefore commented myself on this application, within the main body of the report.

2.3 Loose Parish Council were notified and objected to this proposal on the following grounds: -

2.3.1 'The Loose Parish Council wish to see the application refused and request the application is reported to the Planning Committee for the following reasons;

2.3.2 The proposed development will affect the street scene, as the height, size and mass is excessive in relation to adjacent properties and overwhelms the site. It will also be a dominant feature close to the side of the road as the proposed structure in plot 1, will in effect be moved, into what is now, the front garden. The dwelling proposed for plot 2 will particularly be overwhelming. Consideration should be given to the fact that this property will no longer be opposite an open industrial site but will be opposite a new housing estate, following the acceptance of the Leonard Gould site development (*see MA/09/1535*), and in view of it's mass and bulk any feeling of open rural aspect will be lost. This development will also add to the problems of extra traffic and pedestrian movements.

2.3.3 There are concerns over the limited parking, and would question the parking allowance given to the proposed properties. We would like to add, that we do envisage that more cars will be parked in Pickering Street by residents from the new development.

2.3.4 Concerns have also been raised over the apparent loss of the grass verge to the east side, which affects the rural character of the road. With the loss of the grass verge this will inevitably encourage cars to drive and park over the pavement, which is considered to be a hazard to pedestrians as there is little or no pavements in Pickering Street as it is.

2.3.5 We would draw your attention to (page 21 para 6) of the 'Loose Road Character Assessment' document which refers to Pickering Street as "...narrow, and strongly enclosed by tall hedges and trees. It is rural and secret in character". Also (page 38 par 2) "..... the character of Pickering street changes abruptly as the road constricts and is bordered by high hedges and trees, becoming a strongly enclosed rural lane".

2.3.6 The design of the dwellings is considered to be 'off the peg' and is not in keeping with other houses in the area. They are also not considered to be high quality which we would expect in Loose.

2.3.7 Clarification of the boundary to the footpath is needed as we would not wish to see a footpath reduced in width. We urge you to consider carefully that this development will attribute to the erosion of the rural character of the Pickering Street area in view of its mass, bulk and overwhelming stature. Also the fact that 65 new dwellings are to be built on the former Leonard Gould area opposite this site, and that this development will further exasperate the problems of extra traffic movements, and which in turn create more hazards to pedestrians, in particular that now there is a Kindergarten using the Scout HQ on a blind bend in Pickering St.'

3.0 REPRESENTATIONS

3.1 Neighbouring properties were notified and nine letters of objection have been received. The main concerns within these letters are summarised below: -

- The proposal would result in overlooking of neighbouring properties;
- Access to the properties would be across private land;
- The proposed dwellings are too large for the plot, and would be out of character;
- The existing trees alongside the footpath shall be retained;
- The proposed buildings will result in the loss of more light to the footpath;
- The proposal would bring the building line forward;
- The access would be a hazard to pedestrians;
- The loss of the hedgerow would be to the detriment of the wildlife in the area.

4.0 CONSIDERATIONS

4.1 Site Description

4.1.1 The application site is located within the urban confines of Maidstone, upon land which has no designation within the Local Plan. The site currently contains a single storey dwelling, which is set back from the road by approximately 10-15metres (the road curves away from the property) with a large rear garden which is adjacent to a public footpath. The property currently has a garden of a depth of approximately 27 metres, and a width of 16.5metres. It has a hedge along its northern and western boundary, with a low fence and shrubs along the southern boundary.

4.1.2 To the south of the application site is a two storey detached property known as 'Otterham' which has an attached garage adjacent to the boundary with the site.

This property has a large number of trees and shrubs within its front garden with a relatively open rear garden. There is a low fence running along the boundary with the application site, with a small amount of planting which provides some additional screening – although in many places, direct views are afforded into the rear of 'Otterham' from the site.

- 4.1.3 To the north of the application site is a row of two storey terraced properties, built within the mid 20th Century. These are much closer to the highway, being set back some 4-5metres from the edge of the road. These properties also have shorter rear gardens than the application site, being approximately 18metres long. Behind these terraced properties are the rear gardens of properties within Northleigh Close – a mid 20th Century development. There are a number of substantial trees at the end of the gardens of these properties.
- 4.1.4 To the east of the application site is the former Leonard Gould Site, which has recently been granted planning permission for residential redevelopment (MA/09/1535), with demolition currently underway. This will see the erection of 65 dwellings within the site, together with associated landscaping and highway improvements. One of these highway improvements would see the re-alignment of the access, to make the right of way from the new development. It is not considered that this would have any impact upon this application.
- 4.1.5 To the west of the application site is a row of terraced properties, which appear to be of early twentieth century construction. These properties front on to the public footpath the runs adjacent to the site. A detached property lies directly to the rear of the application site, which is well screened by a significant level of soft landscaping.

4.2 Proposal

- 4.2.1 The proposal is for the erection of two detached dwellings, following the demolition of the existing property on the site. The property to the front of the site would be a two storey dwelling, with a single storey property proposed to the rear.
- 4.2.2 The property to the front of the site would be a full two storey, and would have brick elevations at ground floor, and timber weatherboarding at first floor level. The property would have a maximum width of 11metres, a depth of 12metres, and a maximum height (to ridge) of 8.7metres. The dwelling would have a gable projection to the front, and a porch located centrally within the front elevation. The dwelling would be set back between 7 and 10metres from the edge of the highway. It is proposed that an area of hardstanding be provided within the front garden area of this property for car parking. The property would have a garden of the depth of 11metres, and a width of 13.5metres. A 1.8metre high close boarded fence is to be provided along the side boundary along the access.

- 4.2.3 An access road constructed of permeable paving is to be provided to the north of plot one, which will run alongside the existing path. This would have a length of some 30metres, before entering the grounds of plot two.
- 4.2.4 Plot two, at the rear of the site is a one and two storey property of relatively contemporary design. It would have a two storey façade facing onto the path, and a large catslide roof to the rear, reducing down to single storey closer to the boundary with 'Otterham'. This property would have a maximum width of 23metres, a maximum depth of 11.5metres, and a maximum height of 6.8metres. An area of permeable paving would be provided to the front of the property, and a garden area is to be provided to the rear. This garden would have a maximum depth of 8metres, and a width of 15metres.
- 4.2.5 All substantial trees within the locality are to be retained.

4.3 Principle of Development

- 4.3.1 As previously stated, the application site is located within the urban confines of Maidstone, and upon previously developed land as defined within Annex B of PPS3. As such, the principle of development on this land is considered acceptable subject to all other material considerations being met.

4.4 Visual Impact

- 4.4.1 It is considered that the proposal would respond to the existing grain and pattern of development within the locality. Of importance in determining this application is the Loose Road Area Character Assessment, which refers directly to Pickering Street. This document identifies this particular part of Pickering Street as being of 'mixed character'. It also identifies that beyond the former Leonald Gould works – past Slade House – the street becomes more of a rural lane. However, the application site lies firmly within the more built up part of the street. As such, in permitting any new development, it is important to ensure that this mixed, varied character be maintained, and that the views further down the street, into the more rural aspect are respected.
- 4.4.2 Concern has been raised at the loss of the openness of the front of the existing property, through the erection of a two storey property closer to the highway. Whilst this undoubtedly would see an erosion of this open space, this would not appear out of context within this location. To the north of the application site (beyond the pathway) are two storey dwellings which are in close proximity to the highway. To bring development forward on this site would not therefore appear unduly incongruous at this particular point.
- 4.4.3 The design of the proposal is considered to be of a sufficient standard, and is not dissimilar to those recently approved to be sited opposite the site within the

Leonard Gould site – with brick at ground floor and timber cladding above. The gable projection gives the building an element of interest, and depth. A significant area has been proposed to be given over as hardstanding, and I therefore proposed that should permission be granted, this be significantly reduced, with only a driveway provided to serve the dwelling, plus the access road running to the side. Should a good level of landscaping be provided, this would soften the appearance of the development, to its benefit.

4.4.4 The property to the rear would be substantial in terms of its floor space, but would not be as high as plot one. It would therefore appear as being more subordinate, as one would expect with backland development of this nature. The design of this property is relatively contemporary, although again brick ground floor and timber first floors are proposed. The first floor would overhang the ground floor by approximately 800mm, giving an element of interest, and layering to this property. The property would be orientated in such a way that it would face on to the footpath - as a number of other properties do within the locality. This is considered to be acceptable, and give this pathway extra natural surveillance. Whilst of substantial size, I do not consider that this proposal would appear bulky within this location, due to the level of articulation (it is, in part, set back) and by virtue of the soft landscaping to be provided. In any event, it would appear as no greater in bulk than the existing row of terraced properties on the opposite of the footpath.

4.4.5 I therefore consider that this proposal would not have a significantly detrimental impact upon the character and appearance of the locality, and as such does not warrant a refusal in this instance.

4.5 Residential Amenity

4.5.1 Plot one is set forward of the neighbouring property to the south ('Otterham') but further back from the neighbouring properties to the north. Neither of these properties would be adversely impacted by the pushing forward of the building line, and the erection of this larger property. Due to the level of separation (9metres from 'Otterham' and 10metres from 'Greenwoods') there would be no creation of a sense of enclosure, or a resultant loss of light. There would be no windows proposed that would result in direct overlooking of these neighbouring properties, or their private amenity space.

4.5.2 Plot two however would have a greater impact, in particular upon the occupiers of 'Otterham'. However, the proposal has been designed in such a way that would restrict this impact somewhat. There would be no first floor windows that would directly overlook this neighbouring property, and in particular its private amenity space. Whilst two first floor windows are proposed (serving bedrooms) these are set at the western end of the southern elevation, and would be angled away from the neighbouring property. As such any overlooking would only result

at the very end of this garden, and not the area immediately adjacent to the dwelling in question. I do not consider therefore, that there are sufficient grounds for refusal on the basis of overlooking to this property.

- 4.5.3 Concern has also been raised that the proposal would directly overlook the properties to the north, in particular their gardens. However, these are well screened by trees and shrubs (which are to be retained) and in any event, the overlooking would be across an area within the public domain. It should be noted that the terraced properties to the west are two storey, and located close to the footpath, and this would prove to have a similar effect.
- 4.5.4 The proposed ground floor rear projection would be in relatively close proximity to the boundary with 'Otterham.' However, at this point, this would have an eaves height of only 2.5metres, and as such would not appear as overbearing. It would not result in the loss of light to this neighbouring property. It should also be noted that the aforementioned neighbouring property is set some 6metres from the boundary, with a detached garage positioned between.
- 4.5.5 I am therefore of the opinion that the proposal would not have a detrimental impact upon the amenities of the neighbouring occupiers, and as such would accord with the policies within the Development Plan.

4.6 Highways

- 4.6.1 As stated above, Kent Highway Services were notified of this application, but did not make any comments. As such, I shall address this matter myself.
- 4.6.2 The parking provision within the site would be for at least two spaces per dwelling. Pickering Street is a relatively narrow lane at this point and as such, I consider that it is important that a suitable level of off street parking provision be made. The provision of two parking spaces for the front property, plus an additional area of hardstanding (which would be utilised as an access – but could also be used for visitor parking without a highway safety concern) is considered to be sufficient in this location. Indeed, the property to the rear would have scope for further parking provision, by virtue of the turning area provided. I would therefore conclude that this parking provision is acceptable within this location, and would not be likely to give rise to an overspill onto Pickering Street, to the detriment of highway safety.
- 4.6.3 I do consider, however, that there is an overprovision of hardstanding to the front of the site, and as such, I would suggest a condition that seeks to remove much of this, and to provide more soft landscaping. This would reduce the dominance of the hardstanding, whilst also allowing a sufficient level of parking.

4.6.4 With regards to the access, this utilises an existing area of hardstanding, and also creates another access to the south. These accesses are considered to provide sufficient visibility splays on either side, and would not have a detrimental impact upon highway safety.

4.6.5 It is therefore considered that there are no highway safety grounds to refuse this application.

4.7 Other Matters

4.7.1 As these are new dwellings, it is considered appropriate to require that the properties be built to level 3 of the code for sustainable homes. Policy CC4 of the South East Plan (2009) states that Local Authorities should be seeking new development to adopt and incorporate sustainable construction standards and techniques. As this is a small scale development, it is considered that it would be onerous upon the applicant to request a higher level than 3. As such it is considered that should a condition be imposed requiring a minimum of level 3 be met, the proposal would comply with the policies within the Development Plan.

4.7.2 As the application would see the erection of a new dwelling within the rear garden of an existing property, there would be the loss of open space within the locality. However, due to the small scale of this proposal, I am not of the opinion that this would be likely to give rise to the loss of habitat of any protected species. It is on this basis that no ecological survey has been requested. I do, however, feel it appropriate to suggest that bat/swift bricks be incorporated within the development, by means of an informative.

5.0 Conclusion

5.1 It is therefore concluded that the development would not have a detrimental impact upon the amenities of the neighbouring properties, the character and appearance of the locality, nor highway safety. It is therefore considered that this application accords with the policies within the Development Plan, and it is for this reason that Members are recommended to give this application favourable consideration and grant planning permission, subject to the conditions and informatives 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. 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 buildings 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 PPS1.

3. The development shall not commence until, details of both hard and soft landscape works 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 buildings or land;

Reason: To ensure a satisfactory appearance to the development in accordance with PPS1.

4. Notwithstanding the details shown on the submitted plans, full details of the proposed parking areas shall be submitted to, and approved in writing by the Local Planning Authority. Such details as submitted shall include a reduction in the level of hardstanding to the front of plot one, with increased levels of landscaping in its place.

Reason: In the interests of character and appearance of the locality, in accordance with PPS1.

5. Removal of existing trees or hedgerows containing nesting birds shall take place outside of the bird-breeding season (generally March to August).

Reason: To ensure the protection of biodiversity on the site, in accordance with PPS9.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees, hedgerows and boundary planted areas on the land, and details of any to be retained, together with measures for their protection in the course of development and throughout the scheme's long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The submitted details shall include inter-alia full consideration of the protection of potential slow worm habitats in and around the marginal boundary areas during construction. The approved protection measures

shall be implemented 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 written consent of the Local Planning Authority;

Reason: No such details have been submitted and in the interests of the visual amenities of the locality, the safeguarding of existing trees, hedgerows, boundary planted areas and potential slow worm habitats to be retained in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000 and PPS1 and PPS9, and the interests of the residential amenity in accordance with policies CC1 and CC6 of the South East Plan 2009 and PPS1.

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 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 setting and external appearance to the development in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000, and PPS1.

8. 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 buildings 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 PPS1 and PPS3.

9. The development shall not commence until, details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site in accordance with PPS1.

10. The dwellings shall achieve Level 3 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 3 has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with policy CC4 of the South East Plan 2009, Kent Design 2000 and PPS1.

11. The rooflights shown within the rear roofslope of plot 2 shall be provided at a height of no less than 1.73 metres from the internal floor level.

Reason: In the interests of residential amenity in accordance with PPS3.

Informatives set out below

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 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 subsequent 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.

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

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

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager.

There shall be no burning of waste materials on site.

REASON FOR APPROVAL

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.