

REPORT SUMMARY

REFERENCE NO - 17/504279/FULL		
APPLICATION PROPOSAL Demolition of existing garage and construction of two storey dwelling with parking.		
ADDRESS Land Adjacent to 1 Glebe Lane Maidstone Kent ME16 9BB		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The details are considered to comply with the Maidstone Local Plan (2017) where relevant and the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE Councillor Boughton and Councillor Adkinson wish to see application reported to Planning Committee		
WARD Fant	PARISH COUNCIL N/A	APPLICANT Clarendon Homes
DECISION DUE DATE 02.02.18	PUBLICITY EXPIRY DATE 18.12.17	OFFICER SITE VISIT DATE 30.08.17
RELEVANT PLANNING HISTORY :		

- 73/0739/MK1 – Erection of garages – Approved

MAIN REPORT

1.0 SITE DESCRIPTION

1.01 The proposal site is a plot of land adjacent to 1 Glebe Lane, on the northern side of the road. The site is surrounded by the gardens of other properties and currently on site is a split level double garage that would be removed as part of this proposal. The garages are not in the ownership of, or used by any property in Glebe Lane. For the purposes of the Maidstone Local Plan, the proposal site is within the defined urban area.

2.0 PROPOSAL

2.01 The proposal is for the erection of a detached (2-bed) house with 2 off-road parking spaces to the front. The property would be of facing brick at ground floor level; render at first floor level; and with concrete plain roof tiles. A 2-storey bay window feature would be found to the front elevation.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Local Plan (2017): SS1, SP1, DM1, DM2, DM6, DM11, DM23
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 19 representations received raising the following concerns:

Impact upon existing trees/planting; loss of light/overshadowing; loss of privacy and outlook; loss of a view; property value; ecology; private covenants; cramped form of development; its design and impact upon character and appearance of area; parking provision/highway safety; poor design; impact upon sewage system/drainage; subsidence; not compliant with building regulations; garden size unacceptable; building not 1m away from boundary; right of way/land ownership.

5.0 CONSULTATIONS

- 5.01 **Councillor Boughton:** Wishes for application to be reported to Planning Committee if recommendation is for approval;

"I have received concerns about the following issues which I would like Committee to come to the final say on. These are:

- Loss of privacy from rear of properties on Tonbridge Rd;*
- Impact on wildlife & ecology, particularly slow worms which are present in adjacent gardens;*
- Impact of development on local vegetable gardens & fruit trees which could affect yield;*
- Glebe Lane and this part of Tonbridge Road were built in 30's & 50's and there is a regular pattern in street scene. Residents are concerned dwelling will not be in keeping;*
- I would be grateful if Southern Water could be consulted;*
- I am aware of issues regarding site plans submitted, particularly in relation to 699 and 701 Tonbridge Road and boundaries of these properties. I'd be grateful if these areas were explored too."*

- 5.02 **Councillor Adkinson:** Wishes for application to be reported to Planning Committee if recommendation is for approval;

"I went to inspect this site. I am concerned that proposal is overdevelopment of a cramped site and will cause loss of privacy to neighbouring properties."

- 5.03 **KCC Highways:** Raises no objection.

- 5.04 **Environmental Protection Team:** Raises no objection.

- 5.05 **Southern Water:** Raises no objection.

6.0 **APPRAISAL**

Main issues

- 6.01 The site is within the defined urban area and considered to be in the most sustainable location to accommodate growth; and within the defined urban area, development of domestic garden land to create new buildings is acceptable in principle provided certain criteria is met (policy DM11).
- 6.02 In accordance with the relevant policies of the Local Plan (as stated above), the main issues for consideration are the proposal's visual impact and what impact it will have upon the residential amenity of surrounding neighbours. Other material planning considerations will also be addressed, including highway safety, foul and surface water disposal; environmental protection issues; ecology and the use of renewable energies. I will now go on to consider the details of this planning application, as set out above.

Visual Impact

- 6.03 Whilst the plot is narrower than its immediate neighbour it is of a similar width to many other plots in Glebe Lane, particularly on the southern side of the road; and given the open space either side of the new house, it is considered that the proposal would retain a sense of openness within the streetscene and would not appear unacceptably cramped or visually incongruous. There would also be no loss of any important views through the site. Parking/areas of hardstanding to the front of houses here is also not unusual; and given the existing development in the street and the well established planting along the road frontage to the immediate west of the proposal site, the most prominent public views of the house would be short distance, largely when stood in front of the site.
- 6.04 The proposal would also respect the existing building line with the houses to the east, and the new house's width and design is not dissimilar to the properties in Glebe Lane. For instance, its gable-end design reflects its immediate neighbours; the

pitched roof feature and double-height bay-windows to the front elevation are not uncommon; and the suggested materials are considered acceptable, and an appropriate condition will ensure the quality of the appearance of the site. In addition, the finished floor levels demonstrate that the proposal will sit well within the street, and its overall detail and proportions are considered to be acceptable. No objection is also raised in regards to the bin store. It is therefore considered that the proposal would be in keeping with the area; its design and siting would not represent poor quality design; and it would not have a disjointed relationship with the rest of the street, or detract from the appearance and character of the area hereabouts. The proposal would not appear visually dominant, harmful, or incongruous from any public vantage point.

Residential amenity

- 6.05 The new house would be more than 10m from the western flank of 1 Glebe Lane; no first floor openings would directly look onto this neighbouring property; and there would be 1.8m high close boarded fencing (as shown) along the shared boundary. With this considered, the proposal would not result in a significant loss of privacy, outlook or light to this property or its garden area, and would not appear overbearing enough to justify grounds for refusal.
- 6.06 The proposed dwelling itself would be more than 22m from the rear of any neighbouring house on Tonbridge Road, and the gardens to these properties are relatively large in size. Given this and the existing land levels (Tonbridge Rd is set higher than Glebe Lane), it is considered that the proposal would not result in a significant loss of privacy, light and outlook to any of these houses; and would not cause unacceptable harm to the enjoyment of these garden areas, enough to justify refusal of this application.
- 6.07 The living conditions of the occupants of any other residential property would not be adversely impacted upon as a result of this proposal.
- 6.08 There are no adopted guidelines to what size a garden area should be for a 2-bed property, and it is considered that in this instance the proposal would provide adequate outdoor private amenity space for future occupants. The proposal would also provide adequate internal living space for future occupants.

Other Matters

- 6.09 At the site there is an existing double width crossover, the proposal benefits from 2 off-street parking spaces and the parking arrangements are not too dissimilar to a number of existing houses along Glebe Lane. The Highways Authority also raises no objection to the proposal and so there are no reasonable grounds to refuse this application on highway safety grounds.
- 6.10 The proposal will be connected to the mains sewer and would make use of soakaway. The proposal would also involve the diversion of a public sewer and Southern Water raises no objection to this. Southern Water has suggested a condition for details of measures which will be undertaken to divert the public sewers. However, as they have raised no objection to the proposal and given the modest scale of the development, it is not considered necessary to impose such a condition and such issues relating to foul drainage can be dealt with under the Water Industry Act.
- 6.11 As such, no objection is raised in terms of foul and surface water disposal, and it is not considered necessary to pursue these matters further given the modest scale of the development.

- 6.12 The Environmental Protection Team has raised no objection in terms of noise and air quality. However, as the site has been used for a domestic garage and is close to a site to the south which is on the Councils Potentially Contaminated Land register, it is considered reasonable to impose a contaminated land condition. A condition restricting construction works is not considered to meet the tests for imposing planning conditions.
- 6.13 Given the size, condition and location of the proposal site, it is considered that no further ecological information is required prior to the determination of this application. Notwithstanding this, one of the principles of the NPPF is that "*opportunities to incorporate biodiversity in and around developments should be encouraged*". It is therefore considered reasonable to request details of ecological enhancements by way of condition.
- 6.14 In the interests of sustainable development a suitable condition will be imposed for details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development.
- 6.15 The representations made by Councillor Boughton, Councillor Adkinson, and local residents have been considered in putting forward this recommendation. However, it should be noted that any loss to property value; loss of a view; private covenants; building regulations compliancy; and rights of way are not material planning considerations in the determination of this planning application. There are also no planning restrictions on how far away new buildings should be from site boundaries, with each application considered on its own merits; and it is not considered necessary in this instance to request any further information in terms of land stability as the land changes are not so significant to warrant this approach.
- 6.16 In terms of land ownership, the agent has confirmed that the site outline is accurate and that the correct ownership certificate has been completed. It is considered that for planning purposes, this matter has been taken as far as it can be reasonably expected, and any future land ownership disputes would be a civil matter between the relevant parties. In terms of inaccurate plans, the agent has confirmed that the proposed plans are correct and there is no justified reason to question this further.

7.0 CONCLUSION

- 7.01 It is considered that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. I therefore recommend approval of the application on this basis.

8.0 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 above slab level until written details and samples of the materials to be used in the construction of the external surfaces of the house, bin store and the hard surfaces, 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) Prior to the occupation of the development hereby approved the boundary treatments (as shown on drawing 1054 002 Rev C), shall be erected and maintained thereafter unless otherwise agreed in writing by the local planning authority;

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 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.

- (6) The development shall not commence 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 commencement as construction works could reduce the renewable energy options that are available.

- (7) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved;

Reason: To ensure the health of future occupants.

- (8) Prior to the first occupation of the development hereby approved, a Closure Report shall be submitted to and approved in writing by the local planning authority. The closure report shall include full verification details as set out in condition 7, and should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any changes to these components require the express consent of the local planning authority and the scheme shall thereafter be implemented as approved;

Reason: To ensure the health of future occupants.

- (9) The development hereby permitted shall be carried out strictly in accordance with the slab levels shown on the approved drawings (as listed in condition 12);

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

- (10) 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.

- (11) The development hereby approved shall not commence above slab level until details of a minimum of one publicly accessible electric vehicle charging point, including a programme for its installation, maintenance and management, shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging points as approved shall be installed prior to occupation of the building hereby permitted and shall thereafter be retained and maintained in accordance with the approved details;

Reason: To promote the reduction of CO₂ emissions through the use of low emissions vehicles.

- (12) The development hereby permitted shall be carried out in accordance with the following approved plans: 1054 EX01; 002 Rev C; and 004 Rev H received 10/01/18;

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

INFORMATIVES

- (1) A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. The applicant is also advised to seek advice from Southern Water in terms of diverting a public sewer and sewer ownership.
- (2) 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.

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.