

REFERENCE NO - 20/501750/FULL		
APPLICATION PROPOSAL Erection of detached dwelling.		
ADDRESS Land rear of 13 Manor Close Bearsted Maidstone Kent ME14 4BY		
RECOMMENDATION Approve Subject to Conditions		
SUMMARY OF REASONS FOR RECOMMENDATION Tandem development of this nature is only considered to be acceptable where the identified tests relating to character and amenity are satisfied. There are backland development precedents both immediately adjacent and a more recent case opposite the site. As such, the proposal is not out of character. The proposal is of a sensitive scale and the building is sited so that it will not adversely affect the amenity of neighbouring residents. Conditions are proposed to ensure that the impact of vehicles using the proposed driveway, upon the amenity of neighbours, is minimised to acceptable levels.		
REASON FOR REFERRAL TO COMMITTEE Both Bearsted Parish Council and Councillor Springett object to the application due to impacts upon neighbouring amenity and wish to see it determined by Planning Committee.		
WARD Bearsted	PARISH/TOWN COUNCIL Bearsted	APPLICANT Mr and Mrs Ellis AGENT Consilium Town Planning Services Ltd
TARGET DECISION DATE 31/07/20		PUBLICITY EXPIRY DATE 26/05/20

Relevant Planning History

The following relate to No.13

18/503311/FULL Demolition of garage, conservatory and side extension and erection of a side and rear extension together with raising the roof height to provide additional accommodation, insertion of dormer windows and changes to fenestration. Provision of additional parking to front. Approved 09.08.2018

19/504924/NMAMD Non Material Amendment - reduction in eaves height to barn ends on the side elevations of planning permission 18/503311/FULL. Approved 30.10.2019

20/500549/NMAMD Non-material amendment - removal of the proposed side garage and rear play room, of planning permission 18/503311/FULL. Approved 09.03.2020

The following refer to land to the rear of No.13.

19/505511/FULL Erection of detached dwelling. Withdrawn

Enforcement History:

20/500281/BOC - Enforcement Enquiry in relation to No13, not the application plot.

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application site comprises part of the rear garden, to the south of No.13 Manor Close. The property is currently undergoing extension and refurbishment and is

unoccupied. The proposed housing plot is not subdivided from the host (thus the existing block plan is incorrect in this respect) and comprises areas of lawn, shrub planting and typical garden outbuildings.

- 1.02 There are no protected trees within the site area, but there are trees and shrubs of general amenity value on the site boundaries.
- 1.03 To the south, the site abuts commercial uses fronting the A20, but these are screened by existing vegetation. A public footpath runs to the rear between the commercial uses and the site boundary.
- 1.04 Manor Close is a short, bifurcated cul-de-sac accessed off the A20 via Yeoman Lane. In the main the properties in the eastern arm are single storey, although a number have been refurbished and extended, or have permission to do so, including Nos.13 itself and No.4 opposite, such that there is a variety of dwelling styles.
- 1.05 To the east of the application site lies 18a Yeoman Lane, itself a backland plot, but one that appears to have been constructed in the 1960's. To the west lies the long rear garden of No.12, whilst the rear garden of No.14 is shorter, being truncated by 18a Yeoman Lane.
- 1.06 The rear gardens of the application site and its neighbours slope away to the south, such that the application site lies at a noticeably lower level than the established houses to the north, but at a similar level to No.18a. The rear garden of No.13 is circa 64m in depth from the rear elevation. Circa 17.5 metres of this would be retained for the host, which aligns with that for No.14 next door.
- 1.07 Access to the new plot is via the existing front drive of No.13, which will be shared with the application scheme, with the driveway then running to the rear along the boundary of No.12.

2. PROPOSAL

- 2.01 The application seeks the erection of a two bedroom single storey dwelling, with a shallow pitch roof - no roof accommodation is shown. The property would be accessed by a long driveway running along the eastern boundary of No.13, with the initial section to the front being shared between the two properties.
- 2.02 The access drive requires the partly built garage of No.13 to be removed and would run alongside the boundary of No.12, with it extending along circa 50% of No.12's rear garden, before culminating in a turning area and two parking spaces.
- 2.03 The new bungalow is sited adjacent to and of a similar form and scale to No.18a Yeoman Lane, albeit with a slightly smaller footprint. It has no windows in the side elevations, so will not overlook No.18a. Similarly, there are no proposed windows facing towards the side boundary with No.12.
- 2.04 The spacing distances between the rear façade of No.13 and the new dwelling are circa 24 metres. This separation is very similar to that between the neighbouring No.14 and the infill plot at 18a Yeoman Lane.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017

- SS1 / SP1 Maidstone urban area
- DM1 Principles of good design
- DM9 Residential development

- DM11 Residential garden land
 - DM12 Housing density
 - DM23 Parking standards
- National Planning Policy Framework

4. LOCAL REPRESENTATIONS

Local Residents:

4.01 Representations have been received from four neighbouring households raising the following (summarised) issues; which are considered, where relevant, within the assessment below:

- Pressures upon on-street parking affecting vehicular access to existing dwellings
- Extra vehicular activity and disturbance
- Loss of privacy due to overlooking and loss of boundary planting
- Overshadowing
- No submission of daylighting assessment
- Building could be moved further away from No.18a

4.02 Members should note that the following comments that have been raised by neighbours are not material planning considerations and cannot be taken into account:

- Local ground conditions impacting on sewer construction
- Foundation plans should be submitted
- Works to No.13
- Rights of light
- Historic covenants
- Impact of construction vehicles
- Party wall agreements

5. CONSULTATIONS

Bearsted Parish Council

- Contrary to Policy DM1 (good design) and DM23 (parking)
- If approval is granted, request conditions regarding adequate car parking and infrastructure is protected

Councillor Springett

- Concerned that the site is being overdeveloped
- Loss of garden land is contrary to policy
- Reduction in approved level of off -street parking for No.13 due to loss of garage
- Loss of neighbouring amenity
- Contrary to MBLP policies DM1 - part iv, DM9 - parts iii & iv and DM11 - parts ii & iv
- Should permission be granted, the boundary landscaping with No.12 should be retained.

KCC Highways

- No Comments

KCC PRoW

- Adjacent PRoW will be unaffected

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Principle of residential development
- Design, character and appearance
- Access and parking
- Amenity considerations

Principle of Residential Development

6.02 The site lies within the urban area, with access to local services by foot and access to the wider range of services available within Maidstone town centre by local bus routes. It is therefore a broadly sustainable location where the best use should be made of available land and where principle of residential development may be acceptable subject to other policy considerations

6.03 Such a consideration is Policy DM11, which identifies the tests relevant to the assessment of development of domestic garden land. The relevant tests identified are:

- Whether the resulting density would cause harm to the character and appearance of the area
- Adjoining amenity considerations
- Appropriate access can be secured and that vehicular movements do not cause unacceptable disturbance to neighbours.

Subject to these tests, which are assessed below, the principle of development may be acceptable.

Design, Character and Appearance

6.04 By its nature, tandem / backland development can raise a number of concerns. Firstly, it can introduce built development and associated activity into an otherwise peaceful garden area, intervening in the established character of dwellings and gardens. In this instance, the plot lies adjacent to an existing backland plot (18a Yeoman Lane), albeit one that was approved some time ago. Nevertheless, the existence of this plot is a material consideration that must be afforded some weight.

6.05 In addition, more recently (2015) the Council approved a very similar plot subdivision at No.4/4a Manor Close, which is opposite the appeal site; where the form of subdivision and scale of plots is very similar to this application. Members will be aware that consistency in decision making is an expectation.

6.06 The plot size of the proposed dwelling is relatively large. Excluding the access alongside No.13, the plot area for the new house exceeds 800 sq.m and thus represents a net density of less than 13 dph, which is low. Whilst the original garden of No.13 will be significantly reduced, it will match that of No.14 adjacent and so will not be out of character. Excluding the shared access, the plot area for

the retained No.13 will be circa 660 sq.m, which represents a net density of circa 15 dph, again low.

- 6.07 On this basis, it is not considered that an objection could be raised on the grounds that the character of the area would be adversely affected, through the subdivision of the plot.
- 6.08 In terms of scale, the proposed bungalow is very similar to the immediate neighbour at 18a, single storey with a low pitch roof. The footprint is modest and sitting on lower ground, the dwelling will appear subservient in scale and form to Nos.12-14 Manor Close. The materials, comprising brick plinth, rendered walls and tiled roof are appropriate to the location, although detailed finishes will be subject to condition. It is therefore considered that the proposals accord with Policies DM1, DM9 and DM11 in terms of design principles and character.

Access and Parking

- 6.09 Under planning permission 18/503311, approval was granted for the alteration and extension of No.13. The approved works included, inter alia, a garage adjacent to the boundary with No.12, which will not be completed in order to allow access to the application site to be created. Some representations have been received objecting to the reduction in parking for No.13. However, under 20/500549/NMAMD the Council agreed a non-material amendment to the previous permission, to remove the proposed side garage.
- 6.10 The Officer report did not identify the loss of the garage to be material, therefore the Council cannot raise this issue as part of this application. No.13 would be provided with two parking spaces to the front, which accords with policy DM23. Similarly the proposed house would be provided with two spaces in accordance with DM23.
- 6.11 The length of the proposed access that is to be shared between the existing and proposed dwelling is very limited in length and would not lead to an unacceptable conflict between vehicles accessing the two properties.
- 6.12 Due to the tandem nature of the proposed development, the access to the new plot is long and relatively narrow, allowing only one vehicle, with no scope for passing places due to the width. Such an arrangement is not ideal, but is relatively commonplace and having regard to the small size of the proposed dwelling, it is not considered that the resulting number of vehicles would lead to conditions detrimental to highway safety. However, potential amenity considerations are assessed below.

Residential Amenity

- 6.13 Policies DM1, 9 and 11 require consideration to be given to the amenity of existing and future occupiers having regard to considerations such as natural light, privacy/overlooking and noise / disturbance.
- 6.14 Having regard to the relative low density of the proposed plot, it is considered that a good level of external amenity space will be secured for future occupiers. Similarly, whilst the original large garden of No.13 will be reduced significantly to accommodate the new dwelling, a garden depth of circa 17.5m is similar to the neighbour and greater than may be realised on many new-build developments. The separation between the rear elevation of No.13 and the new dwelling is 24m, which exceeds the general rule of thumb of 21m. However, a condition is proposed requiring details of the boundary treatment between the two. The separation between the proposed bungalow and Nos. 12 and 14 are even greater and therefore equally acceptable.

- 6.15 Having regard to the low height of the proposed scheme and the fact that it is set at a lower ground level than Nos. 12-14, it is not considered that it would appear overbearing when viewed from them. Equally, its low height and adequate separation would ensure that there would be no adverse impact upon their natural light, despite it lying to the south.
- 6.16 The relationship to No.18 is different, in that the two plots lie adjacent. The proposal has been sited alongside No.18a in order that it does not project beyond either its northern or southern building line. There are no windows within the proposal facing towards No.18. As such the privacy of No.18a would not be adversely affected. No.18a does have one bedroom window which faces towards the application site boundary, plus a bathroom window that looks northwards along the application boundary. The latter is not a room that would be protected under natural light considerations. With regard to the bedroom, whilst this window faces the boundary and the proposed new dwelling, due to the arrangement of No.18a itself and the low height of the proposal, it is not considered that an unacceptable level of natural light would be caused.
- 6.17 With regard to No.12, further consideration of the introduction of the new access alongside the site boundary is necessary. Such features have the potential to increase noise and disturbance from vehicle movements, headlamps etc. As identified above, the access runs alongside circa 50% of No.12's rear boundary. The existing boundary is marked by shrubs to the front, a new fence adjacent to No. 12 and various depths of boundary planting to the rear, which serve to screen the proposed access route. Subject to the retention or replacement of existing planting / screening, it is not considered that No.12 would experience nuisance from headlamps and due to the slow speed along this access, noise impacts should be limited.
- 6.18 A condition is proposed requiring further details of the boundary screening and protection of landscaping prior to the commencement of development.
- 6.19 A number of other conditions are proposed on matters such as landscaping, removal of permitted development rights etc that are considered necessary to make the development acceptable.

Other Matters

- 6.20 Whilst objectors and Councillor Springett offered a site meeting, due to the current Covid restrictions this was not pursued. Nevertheless, from the information submitted, neighbour representations and the Officer site visit, it is considered that an acceptable assessment has been possible of the issues raised by neighbours, including the relationship of the proposed building to neighbouring properties.
- 6.21 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

PUBLIC SECTOR EQUALITY DUTY

- 6.22 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 Tandem backland development often brings challenges in terms of the relationship of the proposed built development and access arrangements to neighbouring properties. In this instance, due to its siting and low scale, the proposed development would not adversely impact upon the amenity of existing neighbours, whilst conditions can be used to ensure that this situation remains. Acceptable living conditions would be achieved for occupiers of the scheme.
- 7.02 Due to the historical development adjacent and the more recent scheme opposite, the principle of backland development has been established and in this instance, the character of the area would not be harmed.
- 7.03 On balance, subject to the conditions set out below, it is recommended that planning permission be granted.

8. 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 hereby permitted shall be carried out in accordance with the following approved plans:

19-42A – Proposed Topographical Plan / Survey
BDS-1546-P100 Rev A– Existing / Proposed Block Plan Showing Retained Landscaping
BDS-1546-P101 – Coloured Proposed Block Plan
BDS-1546-P102 – Proposed Plans and Elevations

Reason: To clarify which plans have been approved.
- 3) The development hereby approved shall not commence until a written scheme for the access arrangements has been submitted to and approved by the local planning authority. The submission shall provide details for both any temporary construction access and the permanent access, with particular regard to the protection of trees both within the site and neighbouring properties, including the root protection areas of trees in accordance with the principles set out in the current edition of BS 5837 and other current best practice guidance. The scheme shall also include details of surface treatment and drainage. The permanent access arrangement shall be in place prior to the first occupation of the dwelling.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 4) The dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed and shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with the NPPF.

- 5) The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the building by means such as swift bricks, bat tube or bricks and measures to accommodate solitary bees. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class B (roof alteration or enlargement) to that Order shall be carried out without the permission of the local planning authority;

Reason: To ensure that works are not undertaken to this backland plot without the prior approval of the local planning authority that may prejudice the privacy of neighbours.

- 7) The development hereby approved 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 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.

- 8) 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. The scheme shall specifically demonstrate that adequate levels of privacy are achievable between the new dwelling and existing neighbours and include details of acoustic and light management along the boundary with No.12.

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

- 9) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the west facing wall(s) of the building hereby permitted;

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

- 10) No gates shall be installed within the vehicular access to the building hereby approved;

Reason: In the interests of highway safety and the amenity of neighbours.

- 11) All existing trees and hedges that are shown to be retained on approved Block Plan BDS-1546-P100 Revision A shall be retained, except if the Local Planning Authority gives prior written consent to any variation. All trees and hedges shall be protected from damage in accordance with the current edition of BS5837. Any trees or hedges removed, damaged or pruned such that their long term amenity value has been adversely affected shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions to mitigate the loss as agreed in writing with the Local Planning Authority.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 12) The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: In the interests of landscape, visual impact and neighbours amenity and to ensure a satisfactory appearance to the development

- 13) The development hereby approved shall not commence above slab level until, details of satisfactory facilities for the storage and collection of refuse on the site have been submitted to and approved in writing by the local planning authority and the approved facilities shall be provided before the first occupation of the building(s) or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

Case Officer: Austin Mackie