

APPLICATION: MA/10/0409 Date: 18 February 2010 Received: 24 May 2010
APPLICANT: Eland Estates
LOCATION: 34, STANLEY CLOSE, STAPLEHURST, TONBRIDGE, KENT, TN12 0TA
PARISH: Staplehurst
PROPOSAL: Demolition of existing single storey side extension and erection of a new two bedroom dwelling adjoining number 34 Stanley Close as shown on Drawing No 4171A1 Rev A, Design and Access Statement and scale 1:1250 site location plan received on 24 May 2010.
AGENDA DATE: 1st July 2010
CASE OFFICER: Laura Gregory

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

- It is contrary to the views expressed by the Parish Council

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: H27, ENV6, T13
South East Plan 2009: SP3, CC1, CC4, CC6, BE1, T4
Village Design Statement: N/A
Government Policy: PPS1, PPS3, PPS9, PPG13,

1. HISTORY

MA/77/1300 - Single storey side extension and repositioning of garden wall – APPROVED WITH CONDITIONS

2. CONSULTATIONS

Staplehurst Parish Council – Wish to see the application REFUSED for the following reasons

“Councillors recommended REFUSAL because the proposal would create an over intensification of the site, a loss of the visual gap and be overwhelming to the street scene, being an addition to an existing terrace of 4 homes. The creation of a separate dwelling would intensify existing parking problems in both Stanley Close and Jeffrey Close where access is already difficult. The open plan character of the area would be ruined by the proposal. A previous application for a two

storey extension has been refused. Councillors requested that this application be report to the Planning Committee.”

As a comment on the Parish Council comments there is no record of a two storey extension having ever been proposed, approved or refused on this dwelling. The only record of an extension is for the existing single storey extension

On receiving revised site plans received on 24 May 2010

“Councillors felt that the revisions were insufficient to overcome their concerns; over- intensification of the site, a loss of the visual gap and over-whelming to the street scene. The impact of parking and access especially around the junction of Stanley Close with Jeffrey Close remained a concern. After discussion Councillors agreed to maintain their original recommendation to REFUSE approval and that this application should be reported to the MBC Planning Committee. (As previously advised 7th April)”

Environmental Health Officer - No objections subject to informatives

KCC Highways – Consulted but no comments have been received to date.

3. REPRESENTATIONS

Four letters of representation received raising the following objections

- Proposal would exacerbate parking problems in Stanley Close and Jeffrey Close
- Addition of a house would unbalance the layout of the estate.
- Loss of privacy
- Insufficient space to safely access and egress from proposed parking space
- Loss of green space adjacent to 12 Jeffrey Close due to being used as cross over to proposed parking space.
- No ecological information provided to deal with local wildlife

4. CONSIDERATIONS

5.1 Site & Surrounding Area

4.1.1 The application site is within the village of Staplehurst and comprises a single storey extension and side garden of an end of terrace house, No. 34 Stanley Close.

4.1.2 The site is a corner plot and is at the end of a residential cul-de-sac which is within a mixed housing estate characterised by blocks of terraced houses to the west and both semi detached and terraced houses to the

east. The dwelling has a detached garage to the rear with off street parking for two cars which is accessed from Jeffrey Close, a residential development of detached and semi detached dwellings located to the north, behind the site. The site is a corner plot, with space of 5m between the building and the side boundary. The site is adjacent to a footpath which links Jeffrey Close with Stanley Close and the boundary with the footpath is lined by a mature hedgerow.

4.1.3 The terraces, including No. 34, have open plan front gardens and comprise 7-8 dwellings which front either a communal car parking area or, communal green. Constructed of light brown brick with white plastic weatherboarding on the front elevations, the terraces are similar in appearance and the open plan front gardens communal car parking area and the communal green give a spacious feel to the estate. Many of the dwellings have been previously extended over the last 20 years, with two storey side extensions permitted on Nos 1, 23, 30, 54 and 55 Stanley Close.

4.2 Proposal

4.2.1 Planning permission is sought for the erection of a two storey, two bedroom dwelling adjoining 34 Stanley Close. It is proposed to be built on the footprint of the existing single storey extension; the proposed dwelling would extend a further 700mm into the garden so it is in line with the front wall of No. 34. It would measure 4m wide and 9.3m deep and would extend out from the existing eaves and ridgeline of No 34, measuring 4.7m and 7.7m above ground respectively. The dwelling would have a garden both to the front and side and would have one parking space to rear. Access to this space would be obtained from the existing access off Jeffrey Close.

4.2.2 The dwelling would be constructed of materials to match those used in the existing terrace, constructed of light brown brick with white weatherboarding to the front. Boundary treatments comprise of a 1.8m close boarded fencing the rear of the dwelling and the existing hedgerow to the side.

4.3 Principle of Development

4.3.1 Situated within the village of Staplehurst, the site is in a sustainable location. Furthermore, Policy H27 allows minor new housing development in rural settlements. As it is only one new dwelling which is being proposed and it is essentially the infilling of a space within an established residential street, the proposal is in accordance with this policy.

- 4.3.2 PPS3 has recently been amended to state that private residential gardens no longer constitute previously developed land. This does not mean to say that all proposals for new housing in residential gardens will be considered unacceptable in principle. In this application only 8% of the garden will be built on with 92% of the proposed development on the site of extension which is previously developed land.
- 4.3.3 As the site is in Staplehurst and Policy H27 allows minor infill development the development is considered to be acceptable in principle. Whilst PPS3 has changed the definition of garden land , it does not say that greenfield development in villages and urban areas is unacceptable and small amount of greenfield land which being developed on, it is not considered the development is unacceptable on this matter. Still, before this application can be determined, the visual impact of development, the impact the development would have on the residential amenity of neighbouring dwellings and the impact on the local highway still need to be considered.

4.4 Visual Impact

- 4.4.1 With respect to the impact of the development on the surrounding area policies CC6 and BE1 of the South East Plan 2009 encourage development which respects, enhances and compliments the character and appearance of the area.
- 4.4.2 Measuring 4m wide and 9.2m deep the proposed dwelling is the same width and depth as the dwellings which form the existing terrace block. Built in line with the terrace, and extending out from the existing ridgeline, the proposed dwelling would appear as a continuation of the terrace and is of modest proportions, to the extent that would not unbalance the symmetry of the terrace.
- 4.4.3 With regard to the impact on neighbouring street Jeffrey Close, there is no strong or defined building line which needs to be respected and although the proposed dwelling would be marginally forward of the front wall of 13 Jeffrey Close, it is well divorced from this property by a distance of 16m. Combined with the distances of 14.5m from the road and 7m from adjacent dwelling 12 Jeffrey Close, the proposed development ensures that a spacious gap between the two streets is maintained and as such, the spacious character of the area is preserved.
- 4.4.4 Considering the range of two storey side extensions which have been built within the vicinity of the site, it is considered that in terms of its design

and external appearance, the proposed dwelling would sit well in the context of the surrounding development, appearing more as an extension of the host dwelling, as opposed to a separate new entity divorced from the established pattern of development.

4.4.5 With only one dwelling proposed and located on a plot which is of similar size to those which surround it, the proposal would not result in an over-intensive or cramped development appearing more as an infill residential extension. With a space of 4m maintained at first floor level between the proposed dwelling and the boundary line and with open garden space maintained to the front of the dwelling, the spacious, open plan character of Stanley Close is preserved with a pleasant outlook to the area would be maintained. Given the open plan nature of Stanley Close and the positive contribution it makes to the area it is considered that permitted development rights pertaining to garden walls and fences should be removed, to ensure the spacious character of the street and neighbouring Jeffrey Close is preserved.

4.4.6 Constructed of materials which match those used in the host building the proposed dwelling would compliment the appearance of the terrace and the neighbouring terrace blocks located in Stanley Close. The main issue with regard to the design is the flank wall which would be visible from Jeffrey Close. It is considered that, notwithstanding the small, narrow window to the bathroom, the proposed flank wall of the dwelling would be one solid brick mass. However, given that the existing flank wall is solid mass of brick wall with a small bathroom window and that this is replicated on the dwellings immediately surrounding the site, it is considered that in this case the appearance of the side wall is acceptable.

4.5 Residential Amenity

4.5.1 The proposed dwelling would be located some 16m from 13 Jeffrey Close which is to the rear of the site. Considering that the new dwelling would be no closer to this property than No. 34, it is considered that proposed development would not result in a significant loss of light. There are no windows in 13 Jeffrey Close which would be overlooked and the proposed dwelling would not benefit from direct views of the neighbours private area of garden. As such it is considered that there would be no loss of privacy.

4.5.2 With regard to 12 Jeffrey Close, given that this dwelling is set forward of the proposed dwelling, and is separated by a public right of way with a

distance of 7m between the two buildings, it is considered that there would be no significant loss of light caused to this property. As the only window proposed in the flank wall of new dwelling is a bathroom window, it is considered that there would be no loss of privacy.

- 4.5.3 Considering the residential amenity of 34 Stanley Close, a parking space is proposed in the rear garden, it will be positioned at least 4.8m from the neighbour's boundary so as to minimise the disturbance caused. With suitable boundary treatments, disturbance caused by lights shining into the adjoining dwelling would be satisfactorily overcome and considering that it is only one space which is being proposed, it is considered that the noise and disturbance caused by this additional space is relatively minor in comparison to the noise already experienced by the car movements from neighbouring properties in Jeffrey Close.

4.6 Highways

- 4.6.1 The development proposes one off street parking space to rear. Any additional parking would be on the street. As the site is within a residential cul-de-sac where there are no parking restrictions, and considering it is only a two bedroom dwelling which is being proposed, it is considered that there would be no significant highway safety issues raised as a result of this proposal. A parking implementation condition is recommended to ensure that the space is implemented prior to the occupation of the new dwelling and kept available thereafter for such use.
- 4.6.2 With regard to the access to the site, whilst the use of the access would intensify with the new dwelling, the impact on the dwellings in Jeffrey Close in terms of traffic generated by the site is not considered to be significantly unacceptable given only one additional car would use this access.

4.7 Landscaping

- 4.7.1 The only landscaping details which have been submitted to date are the details of the new fence to the rear and the retention of the hedgerow on the east boundary. This is acceptable but it is recommended that a condition requesting a landscaping scheme is imposed, to ensure that the hedgerow is preserved. Furthermore, to maintain open plan character of site and surrounding area it is recommended that permitted development rights with regard to fences are removed.

4.8 Other Matters

- 4.8.1 Located on the side of 34 Stanley Close, the proposed dwelling would have a rear garden measuring approximately 3m wide and 9.2m deep. It would also benefit from a front garden measuring 5.6m deep and 6m wide. The rear garden would face east and would be bounded the hedgerow which presently lines boundary of the site with the footpath between Stanley Close and Jeffrey Close. Given that the new dwelling is a two bedroom house, it is considered that the size and amount of the garden space provided would provide adequate amenity space for the occupiers of the dwelling. Adequate amenity space would also be provided for the occupier of 34 Stanley Close, whose rear garden would be reduced to a width and depth of 4m and 11.4m respectively.
- 4.8.2 Considering the letter of objection which raises issue over the lack of ecological information provided to deal with local wildlife, no evidence has been submitted or, gathered from Officer's site visit which gives details of any protected species within the area. The site is not within the village envelope, and is not within or close to a designated SNCI or SSSI. As such it is not considered that there would be any significant harm caused to wildlife. It is in accordance with advice contained within PPS9 and therefore no objection is raised over this issue.
- 4.8.3 With regard to the neighbour's objection over the issue of insufficient space to safely access and egress from the proposed parking space the amended site plan received on 24th May 2010 clearly shows sufficient turning space into and out of the space. It is therefore considered that this issue is sufficiently overcome. The impact on the highway has been already been addressed.
- 4.8.4 With regard to the Code for Sustainable Homes, it is has been discussed and agreed with the applicant that a condition is imposed that requires the development to achieve at least Level 3 of the Code for Sustainable Homes. This is in accordance with the principles of policy CC4 of The South East Plan.

6. CONCLUSION

- 6.1 In conclusion, considering the above, it is considered that that the proposal is in accordance with the provisions of the Development Plan and would not cause significant or unacceptable harm the character of Stanley Close or Jeffrey Close. It is therefore recommended that the application be approved subject to the following conditions.

7. 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 policies BE1 and CC6 of The South East Plan 2009 .

3. The approved details of the parking/turning 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 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) 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/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety in accordance with policy T13 of the Maidstone Borough-Wide Local Plan 2000 and T4 of the South East Plan 2009.

4. The dwelling shall achieve at least 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.

5. 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 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.

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 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 Borough-wide Local Plan 2000 and BE1 and CC6 of The South East Plan 2009.

7. Notwithstanding the provisions of Schedule 2, Part 2, Class A 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 fences, gate or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road;

Reason: To safeguard the open plan character and appearance of the development in accordance with policies BE1 and CC6 of The South East Plan 2009.

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.

Observing that the use of the premises is not yet finalised, the occupant should contact the Environmental Health Manager regarding possible pollution control measures.

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 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.