

APPLICATION: MA/10/0765 Date: 5 May 2010 Received: 6 May 2010

APPLICANT: Mr & Mrs G Bernard

LOCATION: SALTS FARM HOUSE, 51, LINTON ROAD, LOOSE, MAIDSTONE,
KENT, ME15 0AH

PARISH: Loose

PROPOSAL: Planning application for erection of 1no. dwelling with parking and associated works including alterations to existing access as shown on a site location plan, drawing nos. 01X, 01S and Design and Access Statement and Certificate B received on 5 May 2010 and as amended by e-mail received on 21 June 2010.

AGENDA DATE: 12th August 2010

CASE OFFICER: Janice Tan

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

- it is contrary to views expressed by Loose Parish Council

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, H27, ENV32
Village Design Statement: N/A
Government Policy: PPS1, PPS3, PPS7, PPG13

1. HISTORY

2.1 The planning history is set out below

MA/06/0264	Erection of 1 no. detached dwelling and detached garage (resubmission of MA/04/1477)	REFUSED and dismissed on appeal.
MA/04/1477	Erection of a detached dwelling and detached garage, together with creation of new vehicular access,	REFUSED
MA/82/0018	Erection of boundary wall	Approved with conditions
MA/80/1477	Demolition of existing timber garage and shed, erection of brick and tile garage and store	Approved with conditions

2.2 Application MA/04/1477 was previously refused at the site, for a two-storey dwelling at the rear part of the garden which is outside the settlement boundary of Loose. A subsequent planning application MA/06/0264 was submitted to attempt to overcome the refused application MA/04/1477. This application was refused on the grounds that the development would result in a cramped form of backland development which would not enhance the character nor safeguard the amenity of the surrounding area and would also be prejudicial to the safety of pedestrians using Public Right of Way KM68. An appeal was lodged but was subsequently dismissed on 11 April 2007. A copy of the appeal decision is attached at Appendix One.

2.3 The Inspector considered that the location of the proposed house, being relatively close to the rear and at a different alignment to the existing house at No51 and other houses in the vicinity, would not conform to the pattern of development in the area and would constitute inappropriate development that would be unsympathetically related to its context, resulting in a development that would be detrimental to the character and appearance of the area.

2.4 The Inspector did consider, however that the vehicular access of the new dwelling would be capable of adequate visibility splays for view of pedestrians using the single track vehicle access and had no significant concerns on highway safety grounds.

2. CONSULTATIONS

3.1 Loose Parish Council: Wish the application approved as the proposal now overcomes the reasons for refusal on application MA/06/0264.

3.2 Kent County Council Archaeology: No objections but has recommended that a condition be imposed requiring the developer to secure the implementation of a watching brief to be undertaken.

3.3 Maidstone Borough Council Environmental Health: No objections in relation to noise, land contamination and amenity subject to informatives.

3.4 Kent Highway Services: No objections. See report.

3. REPRESENTATIONS

4.1 Five letters of representations were received making the following comments:

- There would be loss of privacy to the kitchen window of no.55 Linton Road and a few of the rear windows and the rear gardens of properties along Linton Road.
- The dwelling will be detrimental to the visual appearance of the surrounding properties altering the character of the existing dwellings in the vicinity of the application site.

- In view of the imminent changes of garden land not being classified as brownfield land, and the abolition of minimum targets for the amount of housing in an area, the application should be refused.
- The development would not be in keeping with the pattern of development in the area. It would consolidate an extension of the developed area away from Linton Road.
- The development would have a poor relationship with the existing house.
- It appears that the widening of the shared vehicular access track to form the passing bay would encroach the property of no. 49 Linton Road.
- The widening of the shared access track would encourage more vehicles to use it thus compromising the security of the two houses that uses the access track and the safety of pedestrians using the track as a public footpath.

4. CONSIDERATIONS

5.1 Site Location

5.1.1 No.51 Linton Road is a two-storey house on the eastern side of Loose Road, situated opposite the junction with Rosemount Close. It has a large outbuilding 1m to the rear of the house and a 75m long rear garden with a greenhouse at the end.

5.1.2 The application site encloses approximately two thirds of the western part of the rear garden of 51 Linton Road and has a plot dimension of approximately 50m by 20m.

5.1.3 The western third of the application site nearest the existing dwelling is within the defined village envelope of Loose as identified in the Maidstone Borough-Wide Local Plan 2000. The other two thirds of the plot are within the countryside designated as the Southern Anti-Coalescence Belt adjacent to the Loose Valley Conservation Area and the Area of Local Landscape Importance which lie to the northeast and east site boundaries.

5.1.4 To the north and adjacent to the application site is an existing single width vehicular shared track accessed from Linton Road which is also a public footpath KM68. It serves three other houses (Greystones, The Oast House and Salts Place) which are more than 75m to the northeast of the application site. A 1.8m high brick wall and a close boarded fence form the boundary of the site with the track. To the northern side of this vehicular access track is the side and rear garden of 49 Linton Road, and beyond are the rear gardens of other dwellings on Linton Road. To the east of the site is a disused access to an over grown wooded area forming the boundary to a field beyond and is separated from the site by the 1.8m site boundary wall. To the south of the application site is a paddock and part of the rear garden of 53 Linton Road, separated by a 1.8m high garden wall.

5.2 Proposal

5.2.1 The application proposes the erection of a detached chalet bungalow with a vehicular access, two parking spaces and a turning area in the rear garden of 51, Linton Road, Loose. The chalet bungalow would be set back approximately 30m from the general rear building lines of the existing dwellings (bungalows and two storey houses). The sporadic residential development outside the village envelope, to the northeast, is more than 75m away from the new dwelling.

5.2.2 The development also includes the formation of a vehicular passing bay at the junction with Linton Road. The new passing bay would encroach onto the front garden of 51 Linton Road which is owned by the applicant and would involve part demolition of the brick boundary garden wall and the removal of some mature shrubs approximately 2m high. The brick boundary wall would be rebuilt in a new position re-using the bricks from the demolition. The passing bay would have a permeable block paving surface.

5.2.3 The new vehicular access, parking and turning area serving the new dwelling would be approximately 6m wide and 8m in depth positioned between the new rear site boundary of 51 Linton Road, to the west, and the new dwelling to the east. This area would have a permeable block paved surface. The new access from the site onto the existing shared tarmac vehicle track/public footpath would be 4m wide with 2m pedestrian visibility splays. The vehicular access serving the retained house at no.51 would remain at the front directly accessed from Linton Road.

5.2.4 The current application seeks to overcome the objections of the Planning Inspector regarding the previous proposal which was dismissed on appeal. The difference between the current proposal and the previously refused proposal are as follows:

1. The orientation of the proposed dwelling would now be aligned with the main east to west axis of the existing house at 51 Linton Road and the other dwellings to the south along Linton Road instead of being at an angle to them as in the previously refused scheme.
1. The ridge height of the new dwelling although reduced from 8.7m to 7m and the eaves height reduced from 4.6m to varying eaves heights not higher than 4m would still be visible especially from long distance views along the public footpath adjacent to the north boundary of the house.
2. The current proposal is for a chalet bungalow with a dominant pitched roof and not a two-storey dwelling as previously refused. However, the footprint area has increased from 74m² to 86m².

3. The garage block has been omitted from the proposal. However, this does not justify the increased footprint of the new dwelling as the building and associated paraphernalia would still be out of keeping with visual amenities of the area.

5.3 Principle of Development

5.3.1 Given that the eastern part of the site (the rear garden of the dwelling) falls outside the village envelope and adjoins the Loose Valley Conservation Area and is within the Anti-Coalescence Belt the assessment of this case relies on whether the development is appropriate in its context and well integrated with the pattern of development in the area. This was highlighted in the appended appeal decision where the Planning Inspector explained in paragraph 3 the following:

"the new house would be outside the line of housing along the eastern side of Linton Road. I acknowledge that there are two dwellings to the rear of the property. However, they are not so well related to the present proposal as to justify consolidation of an extension of the developed area away from Linton Road."

The Planning Inspector further adds in paragraph 4 of the appeal decision,

"Nonetheless, the siting of the new house, being relatively close to the rear of No.51 and at a different alignment from this and other houses in the vicinity, would emphasise the poor relationship to the pattern of development in the area."

5.3.2 Although the current application has changed the orientation of the new dwelling to be in line with the axis of the existing house at no. 51 and the other houses to the south along Linton Road, the proposed dwelling would still be outside the line of housing along the eastern side of Linton Road. It would also not be spatially related to the sporadic residential development that has occurred to the northeast of the application site to justify consolidation of an extension away from Linton Road.

5.3.3 It is recognised that the new dwelling is a minor development located within the village boundary and is in a sustainable location on a good public transport route and nearby to local services. However, the scale and appearance of the new dwelling at the rear garden of 51 Linton Road would have a poor relationship with the pattern of development in the area given that eastern part of the site lies within the countryside designated as an Anti-Coalescence Belt and is adjacent to conservation area and the Area of Local Landscape Importance. These designated areas need to be protected and enhanced by the development which in this case it does not. The development is considered out of character with the openness of the rear gardens to the residential properties on Linton Road. It would not protect and enhance the adjacent conservation area and the surrounding countryside designated as an Anti-Coalescence Belt and an Area of Local Landscape Importance, resulting in an inappropriate development out of character with the existing distinctive pattern of development in the area.

5.3.4. PPS1 and PPS3 require consideration to be given to the context and character of the area. PPS 3 further states that development should be well integrated with the neighbouring buildings and the local area in terms of scale, density, layout and access to enhance the distinctive character and relate well to the surroundings. This case clearly does not conform to the aforementioned criteria.

5.3.5 In addition to the above, Planning Policy 3, Housing (PPS3) no longer defines residential garden as brownfield land. This means that there is no longer the applied presumption in favour to support development on garden land and therefore the proposed development is considered unacceptable in principle.

5.4 Visual Impact

5.4.1 With the removal of the existing shrubs to form the passing bay adjacent to 51 Linton Road, the northeast corner of the proposed dwelling would be visible from Rosemount Close/Linton Road junction. No details of landscaping have been submitted with the application.

5.4.2 The new building would also be visible above the 1.8m brick site boundary wall and fence, especially from long distance views and when passing the new vehicular access gap within the boundary wall serving the new dwelling, from the public footpath adjacent to the north boundary of the site.

5.4.3 Although the new dwelling is a chalet bungalow, its plain tiled roof with a ridge height of 7m high is considered excessive when compared with the existing modest heights of the outbuildings and sheds in the rear gardens of neighbouring properties. When accompanied by the paraphernalia associated with a new dwelling, would result in an over development of the site which would harm the open character of the area dominated by residential gardens and the countryside within the Loose Valley Conservation Area and designated as an Anti-coalescence Belt and Area of Local Landscape Importance.

5.4.4 Its height, bulk and scale would be out of keeping with the modest single storey outbuildings in the rear gardens of the houses in Linton Road which are barely visible from this public footpath. Furthermore, the other houses served by the public footpath/vehicular track are well set back from this highway and would not be visually as overbearing and imposing than the proposed chalet bungalow which would have a gabled end set back from this public footpath/track by only 4m. This visibility serves to accentuate the incongruous relationship of the dwelling to existing development.

5.45 The creation of the vehicular passing bay at the junction of the existing track with Linton Road would require the removal of a few mature shrubs approximately 2.5m high. Whilst these shrubs are visible from the highway, their removal would not significantly harm the character of the street scene as there are existing adjacent shrubs and trees that would remain visible in the street scene.

5.5 Residential Amenity

5.5.1 Given the 30m distance of the neighbouring dwellings from the proposed house, I consider that there would be no significant loss of sunlight, daylight, privacy and outlook to the occupiers of neighbouring dwellings.

5.5.2 The rear building line of the existing house at 51 Linton Road would be some 30m from the nearest elevation of the new dwelling which would have a large bedroom roof light and a small dormer window facing the rear windows of the existing house at no.51 Linton Road. The separating distance of 30m is adequate to maintain privacy for the occupiers using the immediate patio area to the rear of the existing house.

5.5.3 The east elevation of the new dwelling would overlook the rear garden of the new dwelling, the woodland and the fields beyond.

5.5.4 The north elevation would have first floor windows facing across the ends of the rear gardens of the dwellings to the north of 51 Linton Road. Given that the rear gardens to these properties are some 30m long, the proposed development would not cause a significant loss of privacy to the patio area immediate to the rear of the neighbouring dwellings in Linton Road.

5.5.5 The south elevation would have a first floor bedroom window looking across the end part of the 40m long rear garden of no.53 Linton Road. The far ends of rear gardens away from the houses are given less weight in terms of visual intrusion.

5.5.6 Taking the above points into consideration, the development would not cause a significant loss of privacy to occupiers of neighbouring dwellings.

5.5.7 Given that the existing track is used by vehicles accessing the two properties to the east of the application site, the noise disturbance generated by the additional traffic would not significantly harm the residential amenities of the occupiers at no. 49 and 51 Linton Road which is adjacent to the junction of the access track with Linton Road.

5.6 Highways

5.6.1 Access into the application site is via the existing shared single width vehicle access track from Linton Road which is also a public footpath. It is proposed to widen this shared access track close to the access onto Linton Road to create a passing bay. The proposed 2m by 2m visibility splay on either side of the new vehicular access onto the existing vehicular track is considered acceptable by Kent Highway Services. They estimate that the proposed development would generate between 6 to 8 extra vehicle movements on the existing track and are satisfied that this can be accommodated by the formation of a passing bay encroaching 2m into the front garden of no.51 Linton

Road. The red outline of the site location plan that identifies the development site does not encroach onto the land belonging to no.49 Linton Road. As the proposed passing bay would improve the highway safety, Kent Highway Services have no objections to the proposed development.

5.7 Traffic Noise

5.7.1 Environmental Health states that the site is adjacent to the busy A229 but in a semi rural area. As the proposed dwelling will be shielded from the road by the existing house, traffic noise is unlikely to be a problem.

6. CONCLUSION

6.1.1 The proposed dwelling is outside the existing line of housing on the eastern side of Linton Road. It is also not spatially well related to the sporadic development that has occurred in the northeast of the application to justify the consolidation of an extension of the developed area away from Linton Road.

6.1.1 When accompanied by paraphernalia associated with a new dwelling it would result in an over development of the site which would harm the open character of the area dominated by residential gardens and the countryside that is within the Loose Valley Conservation Area, the designated Anti-coalescence Belt and Areas of Local Landscape Importance.

6.1.2 The development is alienated from the pattern of development in the area. It would not protect and enhance the adjacent conservation area and the surrounding countryside designated as an Anti-Coalescence Belt and an Area of Local Landscape Importance resulting in an inappropriate development out of character with the distinctive pattern of development in the area. The development would be detrimental to the character and appearance of the area.

6.1.3 In my view the Inspectors concerns relating to the principle have not been overcome and I recommend accordingly.

7 RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reasons:

1. The proposed development by virtue of its scale, layout and location, being outside the line of housing along the eastern side of Linton Road would result in the overdevelopment of the site which would not conform to the pattern of development in the area. This would result in an inappropriate development that would be unsympathetically related to its context and detrimental to the character and appearance of the surrounding area, contrary to the advice given in PPS1 and PPS3.