

**REPORT SUMMARY**

<b>REFERENCE NO:</b> - 23/500374/FULL		
<b>APPLICATION PROPOSAL:</b> Erection of one-bedroom dwellinghouse		
<b>ADDRESS:</b> 13 Saltwood Road Tovil Kent ME15 6UY		
<b>RECOMMENDATION:</b> GRANT PERMISSION subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The reasons for referral to committee from Tovil Parish Council are detailed below within section 4 (Local Representations)		
<b>WARD:</b> South	<b>PARISH/TOWN COUNCIL:</b> Tovil	<b>APPLICANT:</b> MR M Minchev <b>AGENT:</b> Building Design Studio
<b>CASE OFFICER:</b> William Fletcher	<b>VALIDATION DATE:</b> 25/01/23	<b>DECISION DUE DATE:</b> 28/04/23
<b>ADVERTISED AS A DEPARTURE:</b> N		

**Relevant Planning History**

20/504423/FULL Erection of a front porch and two storey side extension, including extensions to front and rear dormers. Approved 19.11.2020 (not implemented but extant until 19.11. 2023)

Site Photo (02 February 2023)



**MAIN REPORT**

**1. DESCRIPTION OF SITE**

1.01 The application site is located on the southern side of the residential cul-de-sac Saltwood Road which is located within Maidstone Urban Area. The road is suburban

in character. Whilst there has been some loss of landscaped front gardens, enough grass verges and mature trees remain to prevent the area from appearing too urbanised.

- 1.02 The site is currently occupied by a 3 bedroom semi-detached chalet style bungalow with associated land and parking.
- 1.03 The existing dwelling is brick construction with a brown plain tile roof and brown tile hanging around a dormer window features at first floor. The gable end is clad with white weatherboard and it has white uPVC windows.

## 2. PROPOSAL

- 2.01 The proposal is to build a 1 bedroom 2 person, end of terrace chalet style bungalow, with garden and associated parking.
- 2.02 The dwelling will have an open plan lounge/kitchen/diner and WC at ground floor level and a large bedroom and bathroom at first floor level.
- 2.03 Access to the existing house will be moved from the side to the front facade. The proposed house will also be accessed from the front facade.
- 2.04 The parking for No 13 will be located to the front of the garage to the rear of the property. The proposed dwelling will utilise an existing parking space to the front of the dwelling that has been constructed via permitted development within the last 10 years.
- 2.05 The application site benefits from an extant permission to erect a two storey side extension which is of similar in appearance to the proposed development as depicted below.

Extant



Current



- 2.06 This earlier application initially sought a rendered front elevation at ground floor level. This was subsequently removed, as render is not being a building material particularly predominant within the road.

## 3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):  
Policy SS1 - Maidstone Borough Spatial Strategy  
Policy DM1 - Principles of good design  
Policy DM2 - Sustainable design  
Policy DM11 - Residential Garden land  
Policy DM12 - Density of housing development  
Policy DM23 - Parking standards

Maidstone Borough Council - Local Plan Review, draft plan for submission (Regulation 22) dated October 2021.

The Regulation 22 draft is a material consideration however weight is currently limited, as it is the subject of an examination in public that commenced on the 15 May 2023 (Stage 2 hearings ongoing). The relevant policies in the draft plan are as follows:

SS1 Maidstone Borough Spatial Strategy  
SP10 Housing  
SP15 Design  
TRA4 Parking standards (Appendix B)  
Q&D6 Technical Standards  
Q&D7 Private Amenity Space Standards

#### **4. LOCAL REPRESENTATIONS**

##### Tovil Parish Council

Objection. The Planning Committee of Tovil Parish Council recommends that this application is refused on the points listed below.

1. The application named above breaches the Maidstone Borough Council Local Plan 1 as the proposed dwelling does not respect the amenities of occupiers of neighbouring properties and does not provide amenities for future occupiers.

2. The application does not meet the criteria set out in the Maidstone Borough Council Local Plan for residential garden land.

3. The application breaches the National Planning Policy Planning Framework as this is an inappropriate development of a residential garden.

**Local Residents:** 2 representations received from local residents raising the following (summarised) issues

- Loss of sunlight and overshadowing
- Loss of privacy
- Design not in accordance with the surrounding area
- Loss of on street parking

#### **5. CONSULTATIONS**

##### KCC Highways

5.01 This consultee replied with their standing advice, this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

##### KCC Ecology

5.02 There are no matters of concern regarding noise, lighting or contaminated land. Therefore, there are no objections to the application from the perspective of Environmental Protection.

#### **6. APPRAISAL**

The key issues are:

- Site Location
- Visual Impact
- Standard of Accommodation
- Neighbouring Amenity
- Highways
- Ecology and Biodiversity

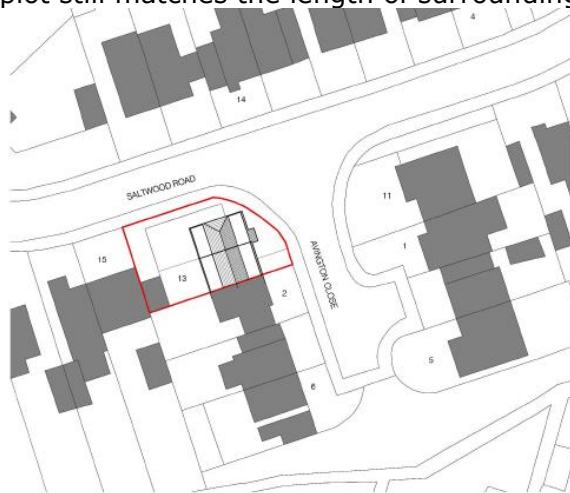
##### **Site Location**

6.01 Para 4.29 (Land availability) of SS1 (Spatial Strategy) states, 'The studies show that the local housing target can be met from within the existing built-up area and on sites with the least constraints at the edge of Maidstone, the rural service centres and the larger villages.'

- 6.02 This development proposal is located within the urban area of Maidstone, the most sustainable location in the Borough. For this reason, the proposal is considered compliant with policy SS1.

**Visual Impact**

- 6.03 Policy DM1 (Principle of good design) outlines the importance of high-quality design for any proposal. This includes taking into account the scale, height, materials, detailing, mass, bulk, articulation and site coverage, respecting the amenities of neighbouring occupiers and properties, incorporating adequate storage for waste and recycling, providing adequate parking facilities to meet adopted Council standards, protect and enhance biodiversity.
- 6.04 Policy DM9 of the Local Plan also requires that the scale, height, form and appearance should fit the character of the existing local area.
- 6.05 Policy DM11 also states that development of domestic garden land, to create new buildings that ensure that a higher density would not result in significant harm to the character and appearance of the area; no significant loss of privacy, light, or outlook for adjoining properties and/or their curtilage; that there would be suitable access to a highway and no significant noise or disturbance from traffic gaining access to the development will be permitted.
- 6.06 The application site is surrounded by residential properties mainly comprising two storey/chalet style semi-detached dwellings with gabled roofs and front facing dormers. The application site is unique in that it is a corner plot and as such does have a larger 'side' garden area.
- 6.07 Visually the proposed dwelling is similar to the extant side extension, and accords with the dwelling it is attached to, however this 'side extension' would be used to provide a separate dwelling, the assessment must consider the pattern of development in the area and whether or not the plot is a sufficient size to provide an individual dwelling.
- 6.08 Whilst the resulting plot shape does not entirely accord with that of surrounding dwellings it is not so discordant that a refusal is warranted on this basis alone. The plot still matches the length of surrounding properties.



- 6.09 It is not assessed that the dwelling would need to accord with the building line of Saltwood Road, this has been 'breached' already by No.11 Saltwood Road which planning inspectors felt sat well within the context of surrounding development. The proposed dwelling is in line with the dwellings to its east and as such would be seen within the context of surrounding development.

- 6.10 The proposed dwelling would be brought closer to the road, and whilst dwellings are set back from the roadside, the front elevation is still separated a similar distance as the properties to the south, only to the side is it 'significantly' closer. There is however still separation from the road, it is not assessed that this is so discordant with the pattern of development in the area that a refusal would be warranted.
- 6.11 A new driveway would be installed to serve 9A Jaggard Way, which would be located over the front garden area of No.13 the existing dwelling. Whilst this is not ideal, it is an alteration that can be carried out via permitted development as is evident in the area. This alteration does not warrant refusal.
- 6.12 Overall it is not assessed that the development would cause any more visual impact within Saltwood Road than the existing extant permission and as such complies with local plan design policies.

#### **Standard of Accommodation**

- 6.13 Policy DM1 details how development must safeguard the amenity of future occupants.
- 6.14 The dwelling which has a floor space of 64m<sup>2</sup> is in accordance with the national space standard for a 1 bed 2 storey dwelling (58m<sup>2</sup>). Future occupants would have a similar level of outdoor amenity space as other dwellings along the terrace row and rooms in the dwelling would be well lit. Local Plan Review policy Q&D7 Private Amenity Space Standards requires dwellings to have rear gardens that are equal to the ground floor of the dwelling, which the proposal is only marginally short of. It is not assessed that the development would have a harmful impact upon the amenity of future occupants.

#### **Neighbouring Amenity**

- 6.15 Policies DM1, DM9 and DM11 detail how development must respect the amenities of occupiers of neighbouring properties and provide residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise, activity, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.16 When considering the proposed dwelling would be attached to and match the built form of the terrace no harmful amenity impacts would occur to dwellings to the south. Dwellings to the north along Saltwood Road are 18m to the north of the proposed dwelling. No.15 Saltwood Road is located 11m to the west of the proposed dwelling, when considering the proposed dwellings siting it is not assessed that this dwelling causes any overshadowing to this dwelling.
- 6.17 Due to this distance it is not assessed that the dwelling would cause any amenity harm, the windows proposed on the side elevation would not cause any amenity harm, one is used to serve a lounge on the ground floor and one on the first floor, a high level window used to serve a walk in wardrobe.

#### **Highways**

- 6.18 Plans indicate the dwelling would be served by a single vehicle parking space. Appendix B of policy DM23 states 1 & 2 bed houses should have one space per unit, and so in policy terms the development is acceptable in this regard. There is publicly available, on street parking in the road.
- 6.19 Concerns have been raised regarding the loss of on street parking as a result of the conversion of the existing dwellings front garden area. These types of conversions are possible under permitted development, which a number of

dwellings in the vicinity have taken advantage of. Each dwelling has a parking space in accordance with the 'minimum' standard which applies in this area.

- 6.20 This additional parking space is presently being used by the existing 3 bedroom dwelling which should have a minimum of 2 parking spaces as per the standard. As detailed above, this additional space has been added via permitted development, the dwelling was not originally constructed with this space and as such its loss to No.13 Saltwood Road is not considered to result in harm to parking in the area.

#### **Ecology & Biodiversity**

- 6.21 Paragraph 2 of DM3 states the need to appraise the value of the borough's natural environment through the provision of an ecological evaluation of development sites and any additional land put forward for mitigation purposes to take full account of the biodiversity present, including the potential for the retention and provision of native plant species.
- 6.22 Plans submitted show that additional soft landscaping would be planted along the roadside boundary, which would offset some of the harm caused by introducing additional hard surfaces onto the application site i.e. the front parking area.
- 6.23 Given the application site is a side garden and located within a relatively densely populated suburban area it is not assessed that the application site provides a suitable habitats for any protected species. however, the development will need to demonstrate that it provides a 'net-gain' for biodiversity, this could be achieved by placing enhancements around the site, and incorporating enhancements into the dwelling itself, and this can be requested by way of condition if permission is granted.

#### **PUBLIC SECTOR EQUALITY DUTY**

- 6.24 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.

#### **CIL**

- 6.25 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.

### **7. CONCLUSION**

- 7.01 The application site which is within the urban area (the most sustainable location for new residential development) and a relatively short distance from the Maidstone Town Centre boundary is a suitable location for a new dwelling.
- 7.02 The extensions proposed would not have a harmful impact upon the character and appearance of the host dwelling or the wider area.
- 7.03 The dwelling provides an appropriate level of residential amenity for future occupants.
- 7.04 The intensified use of the building would not result in a loss of privacy or amenity to neighbouring occupants nor do the external works to the building cause any loss of light or privacy.

- 7.05 Given the site is located in a sustainable location close to town centre, and conforms with minimum standards, it is not assessed that the development causes harm to the highway network or parking in the area.
- 7.06 Given the application site is developed land it is not considered to consist of protected species, however, the development will need to demonstrate that it provides a 'net-gain' for biodiversity, this could be achieved by placing bird and bat boxes around the site, and incorporating bat and bee bricks into the dwellings themselves, and this can be requested by way of condition if permission is 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 shall be carried out in accordance with the following approved plans and documents:  
Application for planning permission  
BDS-SWR-P01 Site Location Block and Existing Plans  
BDS-SWR-P02A Proposed Block, Floor and Elevations Plans  
Design and Access Statement  
Reason: To clarify the approved plans and to ensure the development is carried out to an acceptable visual standard.
- 3) The materials to be used in the development hereby approved shall be as indicated on the approved plans unless otherwise approved in writing by the Local Planning Authority.  
Reason: To ensure a satisfactory appearance to the development
- 4) Upon completion, no further development permitted by Classes A, B, C or D of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order), shall be carried out.  
Reason: In the interests of the amenities of the area
- 5) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate and show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, the location of any habitat piles of cut and rotting wood and include a plant specification, implementation details, a maintenance schedule and a [5] year management plan.  
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- 6) The approved dwelling shall not be occupied until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long

term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

- 7) Prior to development commencing above slab level a scheme for the enhancement of biodiversity on the site shall be 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 dwelling by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details prior to first occupation and all features shall be maintained and retained thereafter.

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

- 8) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of the relevant dwelling and maintained thereafter;

Reason: To ensure an energy efficient form of development.

#### **INFORMATIVES**

- 1) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of the relevant dwelling and maintained thereafter;

Reason: To ensure an energy efficient form of development.

Case Officer: William Fletcher

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.