

REPORT SUMMARY

REFERENCE NUMBER: 23/503726/FULL		
APPLICATION PROPOSAL: Erection of a new detached dwelling with associated parking, residential amenity space and landscaping (resubmission of 22/504135/FULL).		
ADDRESS: Land to the west of 26 Douglas Road Maidstone Kent ME16 8ER		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: <ul style="list-style-type: none"> • Sustainable urban location where there is general support for development in both the adopted Local Plan and the NPPF (2023). • In keeping with the character, appearance, scale, proportions, design, and layout of this residential area. • Acceptable in relation to maintaining the amenity of neighbouring properties. • Acceptable in relation to heritage considerations. • Proposal provides a family dwelling of a good standard with good levels of amenity that meets the Nationally Space Standards for internal space with sufficient external amenity space. • No adverse impact on the highways and parking to a severity that would warrant refusal of permission. • Proposal is in accordance with relevant adopted planning policies and the NPPF (2023). • The resubmitted application has resolved the single reason for the dismissing the earlier appeal which was the impact on the outlook to the first floor windows of 26 Douglas Road. 		
REASON FOR REFERRAL TO COMMITTEE: Cllr. Harper call in if officers are minded to approve. The reasons for committee referral are in section 4 of this report.		
WARD: Fant	PARISH/TOWN COUNCIL: N/A	APPLICANT: Mrs J Garner AGENT: Country House Homes
CASE OFFICER: Francis Amekor	VALIDATION DATE: 17/08/23	DECISION DUE DATE: 27/03/24
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

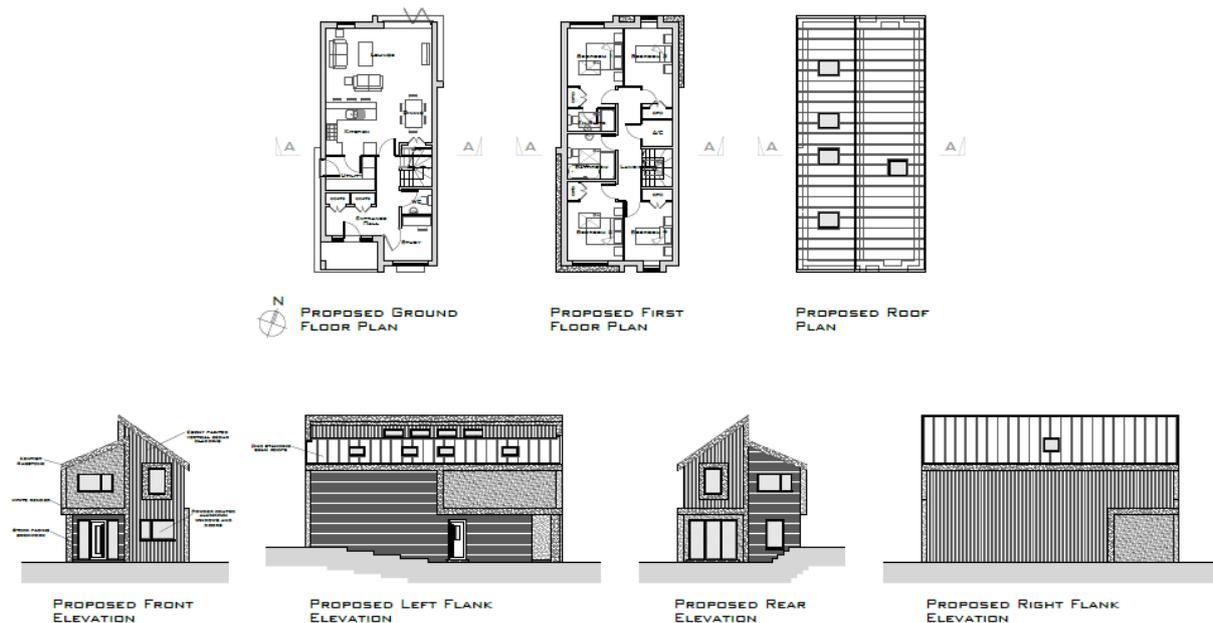
22/504135/FULL Erection of a new detached dwelling with associated parking, residential amenity space and landscaping. Refused 20.10.2022.

The reasons for refusal were:

1. *The proposal by reason of its siting, scale and proximity to the neighbouring property would result in an unacceptable impact on outlook and loss of daylight/sunlight, harmful to the amenity of the occupiers of No 26 Douglas Road, contrary to The National Planning Policy Framework (2021) and Policies DM1, DM9 and DM11 of the Maidstone Local Plan (2017).*

2. *The proposal due to its design and materials would result in an incongruous addition to the street scene, out of character with the surrounding properties and as a consequence*

harmful to visual amenity, contrary to the National Planning Policy Framework 2021 and Policies DM1, DM9 and DM11 of the Maidstone Borough Local Plan (2017).



Application 22/504135/FULL - plans and elevations (refused)

Appeal against the refusal of the application 22/504135/FULL dismissed on 4.10.2023. The main conclusions of the Inspector were as follows:

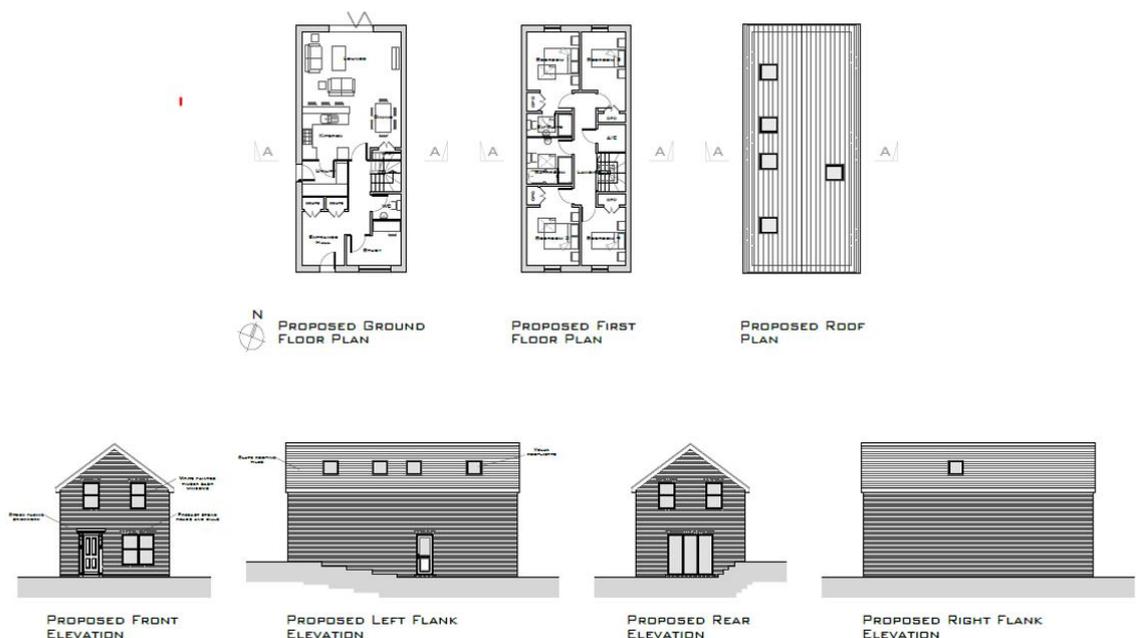
- **Neighbour impact (Council's first reason for refusal):**
 - Unacceptable impact on the living conditions and outlook from *first-floor bedroom windows of 26 Douglas Road*
 - *This impact due to the height and proximity (one metre away) of a blank side wall and roof.*
 - *NB: No harm found in respect of natural light to these windows.*
 - *Appeal conclusion: Refusal reason partially upheld in respect of loss of outlook to upstairs window of 26 Douglas Road only.*
- **Character and appearance (Council's second reason for refusal):**
 - "Paragraph 130 of the National Planning Policy Framework states that decisions should not prevent or discourage appropriate innovation or change".
 - "In the absence of any particular heritage or design constraints, and given the multifaceted context of surrounding development, I consider that the scheme would be acceptable".
 - *Appeal conclusion: Refusal reason dismissed.*

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is on the north side of Douglas Road and within the Maidstone urban area.
- 1.02 The application site is land to the side of, and within the curtilage of 26 Douglas Road. 26 Douglas Road is a two-storey, semi-detached property.

- 1.03 The land currently contains a single storey detached garage and a summer house, with off-street parking provided on the driveway to the front. A large shed is located on rear garden land. There is a gradual rise in ground level from the street to the rear of the application site.
- 1.04 To the east of the site is the detached property at 24 Douglas Road which is on slightly higher ground when compared to the application site. The west elevation of 24 Douglas Road (facing the application site) is single storey and includes the building entrance, two windows, and a large sloping roof. The building at 24 Douglas Road is separated from the application site boundary by approximately 3.5 metres. A single storey garage set back from the road separates the rear part of the side elevation of 24 Douglas Road from the shared boundary.
- 1.05 The area surrounding the site has a residential character comprising mainly of traditionally built family occupied properties. There is some variety in terms of building scale and design with differing setbacks from the road. St. Michaels Church of England Junior School is located immediately to west of 28 Douglas Road with the infant's school of the same name opposite.
- 1.06 The rear boundary of the application site is shared with a section of the side curtilage boundary of the semi-detached property at 5 Hever Gardens. A large double garage is located to the side of 5 Hever Gardens and a large shed in the rear garden of the application property. The rear section of the eastern application site boundary (approximately 12 metres) is shared with the curtilage of Hever Lodge (Grade II listed).



Current proposal - plans and elevations.

2. PROPOSAL

- 2.01 The application proposes demolishing the existing single storey summer house and garage in the side garden. The existing buildings will be replaced by a new two storey four-bedroom detached property with associated parking.
- 2.02 The current scheme is a resubmission of a previous application under reference number 22/504135/FULL that was refused and dismissed at appeal. The design approach in the earlier proposal was distinctly modern with an angular, asymmetrical roof design. Whilst the appeal Inspector found no issue with

contemporary design, the resubmitted application is significantly different adopting a traditional design with a pitched roof.

- 2.03 The building now proposed would rise approximately 6.9 metres above ground level with eaves approximately 4.5 metres. Internally, the new dwelling would have an entrance hallway, open plan kitchen, living and dining room, with a study, utility room and WC facilities at ground floor. The upper floor would provide 4 bedrooms and a family bathroom.
- 2.04 The development includes provision of two car parking spaces on the hardstanding area to the front of the proposed dwelling. One of these spaces will be for the occupiers of the existing dwelling and one for the proposed dwelling. The parking spaces use the existing vehicular crossover and would each have a width of approximately 2.5 metres and depth of 5 metres. A new bin store is also provided on the site.
- 2.05 The rear outdoor amenity space would measure approximately 17 metres in depth and 7.5 metres in width. The proposed scheme includes erection of a timber garden shed in the north east corner of the site. The shed measuring 1.8 metres in width and 2.3 metre in depth. It would rise 1.6 metres above ground level to the highest part of the ridge, with eaves at approximately 1 metre.

3. POLICY AND OTHER CONSIDERATIONS

Development Plan: Maidstone Local Plan 2017:

Policy SS1 – Maidstone Borough spatial strategy
Policy SP1 – Maidstone urban area
Policy SP18 - Historic environment.
Policy DM1 – Principle of good design
Policy DM4 - Development affecting designated heritage assets.
Policy DM9 – Residential extensions, conversions and redevelopment within the built up area.
Policy DM11 – Residential garden land
Policy DM12 – Density of housing development
Policy DM23 – Parking standards

Local Plan Review:

On 8 March 2024, the Council received the Final Report on the Examination of the Maidstone Borough Local Plan Review prepared by the Planning Inspector. The Inspector's Report concludes that the Maidstone Borough Local Plan Review is sound, subject to the main modifications being incorporated.

Following publication of the March committee papers and this report, the next stages for the LPR are the Planning, Infrastructure and Economic Development Policy Advisory Committee on the 18 March 2024 and Cabinet on the 19 March 2024. It is anticipated that Council adopts the LPR on 20 March 2024.

If adopted on the 20 March 2024, at the time of the March planning committee meetings, LPR policies will carry 'substantial' but not 'full' weight. LPR policies will only carry 'full weight' 6 weeks after the date of adoption (judicial review period). The relevant polices are as follows:

Policy LPRSS1– Maidstone Borough Spatial Strategy
Policy LPRSP2 – Maidstone Urban Area
Policy LPRSP15 – Principles of Good Design
Policy LPRTRA4 – Parking
Policy LPRQ&D6 - Technical Standards

Policy LPRQ&D7- Private Amenity Space Standards
Policy LPRHou4 - Residential Garden Land
Policy LPRHou5 - Density of Residential Development.
Policy LPRENV 1 - Historic Environment
Policy LPRSP14(B) - Historic Environment
Policy LPRTRA4 - Parking

The National Planning Policy Framework (NPPF) (Dec. 2023):

Section 2 – Achieving Sustainable Development
Section 4 – Decision Making
Section 12 – Achieving well Designed Places

Supplementary Planning Documents:

Ministry of Housing, Communities and Local Government: National Design Guide.
Government’s Technical Housing Standards: Nationally Described Space Standards (March 2015).
National Planning Policy Guidelines (NPPG).
MBC Development Management Housing Intensification Advice Note – May 2023

4. LOCAL REPRESENTATIONS

Local residents:

- 4.01 Objections received from 4 residents for the following summarised reasons:
- Would exacerbate existing parking issues in the local area.
 - Would cause overlooking and loss of privacy to neighbouring houses.
 - Douglas road has been blighted by HMOs and cannot cope with anymore houses.
 - The proposal constitutes over development of the site.

Councillor Harper:

- 4.02 Objection for the following reasons:
- Similar proposal rejected previously.
 - Gross overdevelopment of the site.
 - Unsustainable in terms of environmental impact
 - Insufficient parking,
 - Existing house loses off street parking, a garage and amenity space.
 - No cycle parking for the two houses.
 - Out of scale in the road and will not fit well into the existing street scene.
 - Impact on wider area with more bins occupying pavements etc.
 - Requested the application is reported to the planning committee

5. CONSULTATIONS

Conservation officer

- 5.1 No objection subject to planning conditions.

6. APPRAISAL

- 6.01 The key issues are:
- Spatial strategy
 - Neighbour amenity
 - Character and appearance
 - Standard of accommodation
 - Heritage
 - Parking
 - Cycle storage
 - Refuse storage.

Spatial strategy

- 6.02 Policy LPRSS1 and adopted policy SS1 of the Maidstone Borough Local Plan state that the Maidstone urban area will be the principal focus for development stating, 'Best use will be made of available sites within the urban area'.
- 6.03 Policy LPRSP2 and adopted policy SP1 are specifically concerned with the built-up area of Maidstone within the urban boundary but outside the identified town centre. The policy is generally supportive of new housing development in this sustainable urban location. LPRSP2 advises that development should be in a way that contributes positively to the locality's distinctive character.
- 6.04 Policy LPRHou4 and adopted policy DM11 of the Maidstone Borough Local Plan permit development of domestic garden land in the urban area, subject to several caveats. These caveats include that development does not result in significant harm to the character and appearance of the area or cause significant loss of amenity to neighbours.
- 6.05 The application site is in the Maidstone urban area and is a sustainable location with good access to facilities and services, including public transport. On this basis, the principle of a residential dwelling is acceptable subject to complying with other relevant policies in the Local Plan.
- 6.06 The two main matters considered as part of the earlier appeal were neighbour amenity and character and appearance and these two matters are dealt with immediately below.

Neighbour amenity

- 6.07 LPRSP15 and adopted policy DM 1 state that proposals will be permitted where they respect the amenities of occupiers of neighbouring properties. Development should not result in, excessive noise, activity, or vehicular movements, overlooking or visual intrusion. Built form should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 26 Douglas Road - outlook
- 6.08 As shown in the planning history section of this report, an earlier application for a detached house on the appeal site was refused based on its design and the impact on the amenities of the occupiers at 26 Douglas Road (currently owned by the applicant).
- 6.09 The appeal Inspector agreed with the council's refusal decision only insofar as it related specifically to the loss of outlook to the 'first floor' bedroom windows on the side elevation of 26 Douglas Road.
- 6.10 It is highlighted that the appeal Inspector found no issue with the impact on the 'ground floor' side elevation windows of 26 Douglas Road. The ground floor side

elevation window towards the front of the building is a secondary window to a dual aspect room with alternative windows/outlook to the front elevation. The second window to the side elevation is to a room that benefits from borrowed light from internal glazing.

Street scene refused application reference 22/504135/FULL.



Street scene current application reference 22/504135/FULL.



	Refused 22/504135/FULL	Current 23/503726/FULL	Difference
Roof eaves	5 metres	4.5 metres	Minus 0.5 metres
Roof ridge	7.8 metres	6.9 metres	Minus 0.9 metres
Side elevation separation	0.9 metres (first floor)	1.2 metres	Plus 0.3 metres

6.11 The current revised proposal has been assessed and the revised proposal now provides adequate outlook to the two first floor side elevation windows of 26 Douglas Road. This reduction in impact has been achieved by reducing the height of the roof eaves and the roof ridge of the new dwelling and increasing the separation distance from the existing building. A comparison between the two applications is provided above.

26 Douglas Road – daylight

6.12 The appeal Inspector found no issue with loss of daylight to any of the windows of 26 Douglas Road and the current application reduces the height of the proposed building.

6.13 The applicant has submitted an assessment of daylight that uses the calculation set out in the BRE "Site layout planning for daylight and sunlight. A guide to good practice' guidance". This assessment has found that the application proposal will maintain adequate daylight (direct and indirect sunlight) to 26 Douglas Road.

26 Douglas Road - privacy

6.14 There are no windows on the main flank elevation of the proposed dwelling facing towards 26 Douglas Road. The bedrooms (habitable rooms) located at the front and rear of the building have windows providing outlook and the main source of daylight to the front and rear elevations. On the roof slope facing towards 26 Douglas Road are four rooflights, two of these rooflights provides a secondary

daylight source to the bedrooms and the other two rooflights are to a bathroom and toilet.

- 6.15 Non-habitable rooms such as the bathroom and toilet do not require outlook and with the secondary nature of the bedroom rooflights a condition is recommended requiring the rooflights to be fitted with obscured glass. The standard requirement for side facing windows is for them to be fixed shut below 1.7 metres from floor level. The submitted plans show the lowest part of the rooflights at a height of 2.2 metres.
- 6.16 With the above considerations the proposal is found to be acceptable in terms of daylight, outlook, and privacy and 26 Douglas Road.

24 Douglas Road - outlook, daylight, and privacy.

- 6.17 The detached dwelling at 24 Douglas Road to the east of the application site is a chalet style with accommodation at ground floor level and within the roof space. A dormer window is located on the east roof slope facing away from the application site.
- 6.18 The west elevation of the building (facing the application site) is single storey and includes the building entrance, two windows, and a large sloping roof. The building is separated from the application site boundary by approximately 3.5 metres. A single storey garage set back from the road separates the rear part of the side elevation from the shared boundary.
- 6.19 The application involves the removal of the existing single storey garage and summer house on the application site, these buildings are on the boundary with 24 Douglas Road. The new building will be 1½ storeys high with the first floor partially within the roof space. With this design the roof eaves will be significantly lower than 26 Douglas Road and approximately 1.6 metres higher than the adjacent garage of 24 Douglas Road.
- 6.20 With habitable room windows to the front and rear elevations, there are no windows on the main flank elevation of the proposed dwelling facing towards 24 Douglas Road. On the roof slope facing towards 24 Douglas Road there is one rooflight and this is above the staircase.
- 6.21 With the above considerations and the separation between the proposed dwelling and 24 Douglas Road the proposal is found to be acceptable in terms of daylight, outlook, and privacy. It is also highlighted that the appeal Inspector raised no issues in relation to the impact on 24 Douglas Road for a higher building.

Hever Lodge and 5 Hever Gardens outlook, daylight, and privacy.

- 6.22 The rear boundary of the application site is shared with a section of the side curtilage boundary of the semi-detached property 5 Hever Gardens.
- 6.23 The property at 5 Hever Gardens is not directly behind the proposed new house and at the closest point there will be a separation distance of 27 metres at an 'oblique angle' (minimum separation distance between 'directly opposing' first floor windows would be 21 metres). It is also highlighted that in the space between 5 Hever Gardens and the proposed house there is a large double garage to the side of 5 Hever Gardens and a large shed in the rear garden of the application property.
- 6.24 The front section of the eastern (side) boundary (approximately 25 metres) is shared with the curtilage of 24 Douglas Road. The rear section of the eastern boundary (approximately 12 metres) is shared with the curtilage of Hever Lodge (Grade II listed). The Hever Lodge building is located directly to the rear of 22 Douglas Road. At the closest point and at an oblique angle there will be 17 metres

between the proposed building and Hever Lodge which is across the rear garden of 22 Douglas Road.

- 6.25 With the above considerations and the separation distances the proposal is found to be acceptable in terms of daylight, outlook, and privacy and Hever Lodge and 5 Hever Gardens. It is also highlighted that the appeal Inspector raised no issues in relation to the impact on Hever Lodge and 5 Hever Gardens.
- 6.26 Given the above factors, the proposal is acceptable in relation to the standard of living conditions enjoyed by occupiers of 24 Douglas Road, 26 Douglas Road Hever Lodge and 5 Hever Gardens. The proposal complies with policies DM1, DM9 and DM11 of the Maidstone Borough Local Plan (2017) and relevant provisions of the NPPF (2023), directing that new development should not harm the amenity of occupiers of nearby properties.

Character and appearance

- 6.27 LPRHOU 11 and adopted policy DM 9 require the scale, height, form, appearance, and siting of the proposal to fit unobtrusively with the existing building where it is retained and the character of the street scene and/or its context. The traditional boundary treatment of an area would be retained and, where feasible, reinforced. LPRSP15 and adopted policy DM1 requires development to respond positively to local character especially in relation to scale, height, materials, detailing, mass, bulk, articulation, and site coverage. Similar requirements are set out in policy LPRHou4 and adopted policy DM11.
- 6.28 Government guidance in the NPPF 2023 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.29 The immediate surrounding area is typified by varies styles of detached, semi-detached, and terraced houses with different setbacks from the road. The building in this current proposal would have a more traditional appearance and its scale would be comparable to some neighbouring houses in the street. The building would rise from approximately 4.5 metres at the roof eaves to 6.9 metres at the roof ridge and its height would be comparable to existing nearby dwellings.
- 6.30 The location of the new house is currently occupied by a garage, a summer house, and an area of hardstanding. The new dwelling is 6 metres wide and is in a gap in the street scene that is 7 metres wide. In comparison, the detached building at 24 Douglas Road is 6.9 metres wide and the semi-detached building at 26 Douglas Road is 5.6 metres wide. The proposal does not represent overdevelopment of this site with sufficient width to accommodate the new house and maintain adequate separation from the neighbours.
- 6.31 LPRHou4, LPRHou5, and adopted policies DM11 and DM12 state that development in domestic gardens would be permitted if the higher density resulting would not result in significant harm to the character and appearance of the area. The orientation of the proposed dwelling and its alignment with existing properties in the street is consistent with the surrounding pattern of development. The simple traditional design including its moderate scale and indicated surfacing material would ensure it assimilates well in the local environment without detriment to the visual character of the general locality.
- 6.32 Overall, due to the indicated scale, layout, and plot coverage, including the indicated proportions of the proposed dwelling, it would resonate with the established character of the local area. The proposals would comply with the requirements set out in Policy DM1, DM11, and DM12 of the Maidstone Borough Local Plan, and relevant provisions of the NPPF (December 2023) which together

seeks to ensure all development are well designed to protect and enhance the special character and distinctiveness of the area in which it is situated.

Standard of accommodation

- 6.33 LPRSP15 and adopted policy DM1 advise that proposals will be permitted where they "*...provide adequate residential amenities for future occupiers of the development...*". The policy seeks to ensure that occupiers are not "*...exposed to, excessive noise..., overlooking or visual intrusion...*". The NPPF advises of the importance of good design, creating well designed accommodation with a high standard of amenity for future residents.
- 6.34 All habitable rooms in the dwelling comply with space standard set out in Policy LPRQ&D6. These standards require that habitable rooms to be of sufficient size for daily activities of future occupiers and served by a window to allow for natural light.
- 6.35 The main doors and windows on the elevations look out onto the front and rear gardens of the application site and there is adequate daylight, outlook and privacy provided for future occupants
- 6.36 Policy LPRQ&D7 sets out the amenity space standards that new houses must comply with. The policy requires that outdoor amenity space for a house this size must be sufficient to provide the following: outdoor seating area, small shed, clothes drying area, area of play, planting space (for trees and shrubs). This can be accommodated in a garden with a 10-metre depth and the width of the dwelling.
- 6.37 The indicated outdoor amenity space for the property would measure approximately 7.5 metres in width and 17 metres in depth which is acceptable. Furthermore, the proposed dwelling would retain an acceptable separation distance with the existing dwelling at no.24 Douglas Road which avoid any adverse effect in terms of overshadowing.

Heritage

- 6.38 The local planning authority has a statutory duty to have special regard to the desirability of preserving listed buildings and their settings under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.39 LPRSP14(B) and adopted policy SP18 relate to the historic environment and require that, inter-alia, the characteristics of heritage assets are protected, and design is sensitive to heritage assets and their settings. LPRENV 1 and adopted policy DM4 of the Local Plan also relate to development affecting designated heritage assets and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 6.40 The NPPF states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. When considering the impact on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be); and that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 6.41 The rear section of the eastern boundary (approximately 12 metres) is shared with the curtilage of Hever Lodge (Grade II listed). The Hever Lodge building is located to the rear of 22 Douglas Road. At the closest point and at an oblique angle there will be 17 metres between the proposed building and Hever Lodge which is across the rear garden of 22 Douglas Road.

- 6.42 The application site forms part of an historic access lane strip to Hever Lodge and the entrance on Douglas Road retains the two brick gates piers. These two piers with Fleur-de-lis and rubbed brick details, are characteristic of the Tudor Gothic style of the listed house. The gate piers are non-designated heritage assets due to the connection with the Grade II listed Hever Lodge.
- 6.43 The conservation officer has confirmed that whilst there is no objection to the proposed house, loss the original piers would cause substantial harm to a heritage asset. The applicant's plans show the retention of both brick piers. Planning conditions are recommended that seek 'building recording', the retention of the brick piers and their protection during construction work.
- 6.44 With the separation distance and intervening property boundaries, it is concluded that the proposal will not have any negative impact on the setting or heritage value of Hever Lodge. Planning conditions will ensure that the heritage value of the brick entrance piers is retained.

Parking and the appeal decision at 14 Charles Street.

- 6.45 NPPF advice on assessing highway impact states "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*" (NPPF 2023 paragraph 115).
- 6.46 Off street parking standards for new dwellings are provided in the adopted Maidstone Local Plan (Appendix B and policy DM23). The policy provides both minimum and maximum parking standards to reflect local circumstances and the availability of alternative modes of transport to the private car. LPRTRA4 states that the council may depart from established maximum or minimum parking standards for reasons such as public transport accessibility and local on street parking problems.
- 6.47 The standards are based on the number of proposed bedrooms and the nature of the location (town centre, edge of centre, suburban or village/rural). The current application site is in an '*edge of centre*' location (existing high on street parking demand – on street traffic controls [8am to 6.30pm Monday to Saturday: permit holders or 2 hours and no return within 2 hours]).
- 6.48 The supporting text to the car parking standards (Footnote 3) encourages flexibility in '*edge of centre*' locations and in these locations adopted local plan off street parking standards are set as a 'maximum' (i.e not '*minimum*' standards as in other areas).
- 6.49 Maximum off street parking standards optimise the density of development in existing sustainable locations well served by public transport. As advised at NPPF [2023] paragraph 109 "*Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes*".
- 6.50 The proposal is for the construction of a four-bedroom detached house on land adjacent to the existing three bedroom property at 26 Douglas Road. The application site currently includes a garage and a large area of hardstanding.
- 6.51 Adopted Local Plan standards require for the retained and proposed dwellings a 'maximum' total (not minimum) of 2.5 off street car parking spaces and 0.4 visitor spaces. This total maximum provision is calculated as 1 off street space and 0.2 visitor spaces for the retained dwelling and 1.5 off street spaces and 0.2 visitor

spaces for the proposed dwelling. The proposed provision of 2 off street spaces complies with the outlined adopted maximum off street car parking standards.

- 6.52 At the committee meeting on the 20 April 2023 a decision was taken to refuse planning permission for an application at 14 Charles Street (reference 22/505206/FULL). Whilst this application related to a HMO there are similarities in terms of parking demand in the urban area. This application was for an increase in the size of an existing HMO from 6 bedrooms to 8 bedrooms. The reasons for refusal were as follows:

"The increase in bedrooms would result in a significant exacerbation of inadequate parking and environmental deterioration creating cumulative harm to neighbourhood amenity contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017 and the NPPF".

- 6.53 Planning Inspectorate decision letters dated 9 February 2024 allowed the appeal made against the decision to refuse permission at 14 Charles Street and awarded costs against the council for unreasonable behaviour.

- 6.54 The summary conclusions of the appeal Inspector on planning merits were as follows:

- On street parked cars form part of existing local character.
- It is evident that there is on street parking pressure.
- There is no off street car parking proposed and this would comply with adopted Local Plan maximum standards.
- Given the location "...it is unlikely that future occupiers would require a private car to carry out their daily needs...".
- Even if occupiers had cars the potential additional parking demand would be limited and would not meet the NPPF 'severe' impact test.
- Additional on street parking "...would not detract from the character of the area where there are plenty of on-street parking bays".
- "...if inconsiderate parking practices were to arise, they would be subject to normal policing and controls within the highway".
- *"The proposal would be in accordance with the Framework [NPPF], where it seeks to promote sustainable transport and create places that will function well".*

- 6.55 The appeal decision at 14 Charles Street is material to the consideration of the current application as both sites are outside the town centre but in the Maidstone urban area. The current application includes two off street car parking spaces which use an existing crossover.

- 6.56 If the application site were located outside the urban area where 'minimum' standards apply, the additional on street parking demand generated by the current application would be one space.

- 6.57 Whilst existing pressures are noted this one space would not meet the 'severe' impact test in the NPPF. Given the location of the site and nature of the development it is not envisaged the proposal would result in significant material increase in on-street parking problems in the local area.

Cycle storage

- 6.58 Cycle parking standards are set out in the KCC Supplementary Planning Guidance SPG 4 Kent Vehicle Parking Standards. These standards require a minimum of 2 cycle parking spaces for the existing three bedroom house and 3 cycle parking spaces for the proposed four bedroom house.

- 6.59 The submitted proposal includes external access to the rear gardens of the existing and proposed dwellings. The proposal also includes the removal of the existing large shed to the rear of the new dwelling and a smaller replacement shed. The rear garden access will allow simple, practical, and accessible cycle storage to be provided in the rear gardens of the two houses. A planning condition is recommended to ensure that approved details of cycle parking are in place prior to first occupation of the new dwelling.

Refuse storage.

- 6.60 MBC Waste Services require houses to have "...1 x black refuse bin (180l), 1 x green recycling bin (240l) and 1 x black/orange food waste bin (23l)". As with the cycle parking the refuse storage can be provided in the rear gardens of the two dwellings with rear access used to move the bins for collection. There is space available for the refuse bins to be located at the front boundary for collection without blocking the pavement. A planning condition is recommended to ensure that approved details of refuse storage are in place prior to first occupation of the new dwelling.

Other matters

- 6.61 Most issues raised in consultation have been considered in the above report. The following comments are also made:
- The current application is not for an HMO. The application will provide a good standard of family accommodation.
 - There are no issues found in terms of impact on neighbour amenity.
 - Each application is considered on its merits, and the applicant has addressed the issue raised by the appeal Inspector.
 - Adequate space and access are available in the curtilage of both existing and proposed dwellings to accommodate both storage and collection of bins.
 - Adequate space and access are available in the curtilage of both existing and proposed dwellings to accommodate cycle parking.
 - With a plot width and property width comparable to neighbouring properties, and adequate amenity for both neighbours and proposed occupiers the proposal is not overdevelopment.
 - The site is in a sustainable urban location and the proposal is in accordance with standards relating to off street parking, standard of accommodation and neighbour impact.

7. PUBLIC SECTOR EQUALITY DUTY

- 7.01 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.

8. COMMUNITY INFRASTRUCTURE LEVY

- 8.01 The proposed development is Community Infrastructure Levy (CIL) liable. The Council adopted CIL 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.

9. CONCLUSION

- 9.01 The recommendation to grant planning permission is for the following reasons:
- Application site is in a sustainable urban location where there is general support for development in both the adopted Local Plan and the NPPF (2023).

- Proposed house is in keeping with the character, appearance, scale, proportions, design, and layout of this residential area.
- Proposal is acceptable in relation to maintaining the amenity of neighbouring properties.
- Proposal is acceptable in relation to heritage considerations.
- Proposal provides a family dwelling of a good standard with good levels of amenity that meets the Nationally Space Standards for internal space with sufficient external amenity space.
- Proposal will not result in any adverse impact upon the highways and parking within the street to a severity that would warrant refusal of permission.
- Proposal is in accordance with relevant adopted planning policies and the NPPF (2023).
- The resubmitted application has resolved the single reason for the dismissing the earlier appeal which was the impact on the outlook to the first floor windows of 26 Douglas Road.

10. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions

with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of the 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 and documents:
Drawing Number: 119-JG-001 (Site Location Plan)
Drawing Number: 119-JG-002 Rev B (Existing and Proposed Site Plans)
Drawing Number: 119-JG-004 (Proposed Plans and Elevations)
Drawing Number: 500-JG-202 (Existing and Proposed Light to Rooms)
Drawing Number: 119-JG-005 (Proposed Garden Shed Floor Plans and Elevations)
Drawing Number: 600-JG-100 (Internal Floor Plan)
Site Layout Planning for Daylight and Sunlight
Design and Access and Heritage Statement
Arboricultural Report
Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents
- 3) The house hereby approved shall be constructed in accordance with the submitted construction materials that comprise the following:
 - Stock facing brick with precast stone heads and cills.
 - White painted timber sash windows.
 - Slate roof covering.Reason: In the interest of visual amenity.
- 4) The development hereby approved shall not commence until a full Building Recording (in accordance with Historic England's Guidance – <https://historicengland.org.uk/images-books/publications/understanding-historic-buildings/heag099-understanding-historic-buildings/>) in respect of the brick entrance piers at the Douglas Road entrance has been submitted to and approved in writing by the Local Planning Authority. Where the recording is ongoing during the works, a draft copy is to be submitted for approval, with the final Building Recording submitted to and approved in writing by the Local Planning Authority prior to occupation of the approved dwelling. A copy of the final Building Recording

shall be submitted to the HER Historic Environment Records and placed on OASIS (<https://oasis.ac.uk/>) within six months of completion.

Reason: To allow for future research and understanding of the property. To ensure features of historic and architectural interest are properly examined and recorded.

- 5) The development hereby approved shall not commence until details of the full protection of the gate piers during construction phase has been submitted to and approved in writing by the local planning authority (with details to include a plywood box around the brick piers with internal padding). The approved protection shall be in place prior to the commencement of development with the approved protection retained until the completion of all construction activity.
Reason: To protect heritage value.
- 6) The brick piers to Douglas Road shall be retained and maintained permanently.
Reason: To protect heritage value.
- 7) The development hereby approved shall not commence until details of:
 - a) the existing site levels and
 - b) the proposed slab levels of the building and have been submitted to and approved in writing by the local planning authority.The development shall be completed strictly in accordance with the approved levels.
Reason: To secure a satisfactory form of development having regard to the topography of the site.
- 8) The development hereby approved shall not commence until tree protection is in place in accordance with the current edition of BS 5837. 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.
- 9) The development 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 (to include gaps at ground level in the boundaries to allow the passage of wildlife) and the development shall be carried out in accordance with the approved details before the first occupation of the approved buildings and maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers and for the passage of wildlife.
- 10) 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 approved dwelling and maintained thereafter.
Reason: To ensure an energy efficient form of development.
- 11) The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme

shall consist of the enhancement of biodiversity through methods into the building structure by means such as swift bricks, bat tube or bricks to provide wildlife niches and additionally through provision within the site curtilage of measures such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. The development shall be implemented in accordance with the approved details prior to first occupation of the approved building and all features shall be maintained thereafter.

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

- 12) The development hereby approved shall not commence above ground level until a landscape scheme has been submitted to and approved in writing by the local planning authority. The scheme shall

(a) be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012)

(b) show all existing trees, landscaping on, and immediately adjacent to, the site and indicate whether it is retained or removed,

(c) provide details of new on-site landscaping in a planting specification (location, spacing, species, quantity, maturity).

(d) provide landscape implementation details and implementation timetable

(e) provide a [5] year landscape management plan

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

- 13) All approved landscape details shall be completed by the end of the first planting season (October to February) following first occupation of the dwelling hereby approved. Any of the approved landscaping which fails to establish or any trees or plants which, within five years from the first occupation of the property, are removed, 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.

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

- 14) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall:

a) be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light, GN01, dated 2011 (and any subsequent revisions) (Environmental Zone E1), and

b) follow the recommendations within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'.

c) include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill.

The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: To safeguard protected species and in the interests of residential amenity.

- 15) Prior to the first occupation of the accommodation hereby approved the parking and turning areas shown on the submitted plans shall be completed and thereafter shall be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) 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/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- 16) Notwithstanding the provisions of the Town and Country Planning General Permitted Development (Amendment) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development within Schedule 2, Part 1, Classes A, B, C, D, E and F; and Schedule 2, Part 2, Class A, to that Order shall be carried out. Reason: To ensure a satisfactory appearance to the development.
 - 17) Prior to the first occupation of the dwelling hereby approved, facilities for
 - (a) the storage and screening of refuse bins,
 - (b) the collection of refuse bins, and
 - (c) secure bicycle storageshall be in place that are in accordance with details that have previously been submitted to and approved by the Local Planning Authority. These details will be maintained as such thereafter. Reason: To ensure a satisfactory appearance to the development
 - 18) The development hereby approved shall meet the higher level of water efficiency of 110 litres per person, per day as set out under the building regulations Part G2 or any superseding standard. The building shall not be occupied unless this standard has been met and this standard shall be maintained thereafter. Reason: To ensure a sustainable form of development.
 - 19) The development hereby approved shall meet the accessible and adaptable dwellings building regulations Part M4(2) standard or any superseding standard. The dwelling shall not be occupied unless this standard has been met and the dwelling shall be thereafter retained as such. Reason: To ensure the development is in accordance with local and national policy and meets acceptable standards of accessible and adaptable dwellings.
 - 20) No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday. Reason: In the interest of the amenities of occupiers of neighbouring properties.
- NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.