

APPLICATION: MA/10/1674 Date: 24 September 2010 Received: 12 November 2010

APPLICANT: Mr G Hicks

LOCATION: PLOT 2 LAND REAR OF OF BURNLEA AND WOODSIDE, GROVE GREEN LANE, WEAVERING, KENT, ME14 5JW

PARISH: Boxley

PROPOSAL: Construction of new dwelling with associated amenity space, access and parking as shown on drawing numbers 1261-002 and 1261-2-200 rev A supported by a design and access statement, great crested newt survey and ecological scoping survey, all received 24th September 2010.

AGENDA DATE: 25th November 2010

CASE OFFICER: Catherine Slade

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

- it is contrary to views expressed by the Parish Council

1 POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, T13

South East Plan 2009: SP3, CC1, CC6, T4, NRM7

Government Policy: PPS1 Delivering Sustainable Development, PPS3 Housing, PPS9 Biodiversity and Geological Conservation, PPG13 Transport

2 HISTORY

The properties 'Burnlea' and 'Woodside' have been the subject of applications for householder development, however, these are not relevant to the current application. The planning history relating to the erection of dwellings to the rear of Burnlea and Woodside is summarised below. The current application relates to Plot 2.

MA/10/1673 Construction of new dwelling with associated amenity space, access and parking (Plot 1) – CURRENTLY UNDER CONSIDERATION

MA/10/1212 Erection of 1 dwelling with associated amenity space, access and parking (Plot 2) - WITHDRAWN

MA/10/1182 Erection of 1 new dwelling with associated amenity space, access and parking (Plot 1) - WITHDRAWN

MA/09/1894 Outline planning application for erection of 2 dwellings with access to be considered at this stage and all other matters reserved for future consideration – APPROVED WITH CONDITIONS 19th December 2009

3 CONSULTATIONS

3.1 **Boxley Parish Council:** wish to see the application refused on the following grounds:

"The height and bulk of the development would have detrimental impact on the area and surrounding residents. It is recognised that some changes have been made to reduce the height and impact but the area is predominantly bungalows and this design is significantly bigger than the surrounding buildings.

There are serious concerns about the sewerage pump station and the Planning Officer is asked to satisfy herself that will be no noise pollution, etc. coming from the proposed set up."

3.2 **Natural England:** Declined to comment on the application on the grounds that the application does not meet the criteria for direct involvement in casework and referred the Local Planning Authority to draft standing advice on the Natural England website.

3.3 **Kent Highway Services:** Raise no objection to the proposal.

3.4 **MBC Environmental Health Manager:** Raises no objection to the proposal subject to informatives relating to the construction period.

3.5 **MBC Landscape Officer:** Raises no objection to the proposal subject to conditions relating to tree protection and landscaping.

4 REPRESENTATIONS

4.1 One representation was received objecting to the proposal on the following grounds:

- Loss of privacy.
- Harm to residential amenity arising from noise and pollution.
- The design, scale, appearance, height and siting of the development.
- Failure to include perspective views of the rear of the proposed development in the application documentation.

- Views of residents on Restharrow Road have not been afforded equal consideration.

5 CONSIDERATIONS

a. Site Description

- 5.1.1 The application relates to the south western-most part of the long rear gardens of two detached neighbouring properties on the west side of Grove Green Lane. 'Woodside' (a chalet bungalow) to the north and 'Burnlea' (a bungalow) to the south. The bungalows 57 and 36 Wingrove Drive and their gardens adjoin the west boundary of the site.
- 5.1.2 Outline planning permission with access has previously been granted for two detached chalet style houses (i.e. with habitable accommodation in the roof space) under application MA/09/1894 in the rear gardens. That application included the site outlined for this application for one house and land immediately northeast for the other. This permission is extant and expires on 16th December 2012 (the Committee report is attached as an Appendix). There are now two separate detailed applications for each of these approved sites being referred to as Plots 1 and 2. This application relates to Plot 2 which is the south-western plot and application MA/10/1673 relates to the adjacent Plot 1. Both plots are in the same ownership.
- 5.1.3 The land here generally slopes down to the south and west and both rear gardens are characterised by lawns with trees and bushes, particularly around the boundaries. To the north west of the site is an area of woodland, which is protected by TPO 5 of 2005 (mixed woodland consisting of sycamore, ash, horse chestnut, oak, hazel and silver birch) and within the woodland is a pond. This TPO extends 6m into the site and covers a number of trees within the site, notably two mature oak trees to the north of the proposed dwelling. In addition to this woodland there are 3 individual protected trees immediately north and northeast of the site near to 'Woodside' under TPO 14 of 2010 (T1 – sycamore T2 – sweet chestnut and T3 – horse chestnut).
- 5.1.4 The site includes a vehicular access to Grove Green Lane to the north west of Woodside, which would be shared with Plot 1.
- 5.1.5 The site is in a built up area within the defined urban boundary of Maidstone within the Grove Green Estate. The surrounding land uses are predominantly residential with the notable exception of the Grove Green Tesco store located approximately 80m to the north of the site. The area is characterised by mainly substantial detached bungalows and chalet bungalows of mixed age to the north east of the site, whilst those to the south of the site are more modest detached single storey dwellings dating from the 1980's.

- 5.1.6 A footpath located in close proximity to the north west boundary of the site runs through the woodland between Wingrove Drive and the supermarket. This joins the public footpath KH2 which links Grove Green Lane with land within the Grove Green Conservation Area, which is located approximately 65m to the north west of the proposal site. There are no listed buildings within close proximity of the site.
- 5.1.7 The proposal site was landscaped at the time of the site visit, although the land has now been cleared.

5.2 **Proposal**

- 5.2.1 The proposed development is the erection of a detached chalet bungalow (i.e. rooms in the roof space). The proposed dwelling would have an L-shaped footprint with the straight elevation to the front (north west) of the property. The existing houses 'Woodside' and 'Burnlea' would remain with the new dwelling some 33m from Woodside.
- 5.2.2 The building would be sited centrally within the site, providing a rear garden with a depth of approximately 18m. The building would be approximately 0.5m from the site boundary of the site with proposed Plot 1, and 0.75m from the site boundary with the neighbouring property to the south, 57 Wingrove Drive.
- 5.2.3 The proposed dwelling would have a length of 13.5m and maximum width of 10.8m. The roof ridge would run from north east to south west with a height of 7.2m. To the front the roof would overhang the front wall of the house with an eaves height of 2.3m. The eaves line at the rear would be higher at 3.3m. The roof would be half hipped, with eaves on the sides of 4.7m.
- 5.2.4 Access would be via a shingle driveway 3.5m wide along the north side of the site which would lead to the dwelling where there would be a parking area outside. Two cars could potentially park outside the house and one in an integral garage.
- 5.2.5 The residential accommodation would be provided over two floors, and would comprise a lounge, kitchen, dining room, study, utility room, W.C., hall and garage at ground floor level and four bedrooms (one en suite) and a bath room at first floor level. The first floor accommodation would be achieved through the introduction of three dormer windows and two roof lights to the north west elevation and a flank window to a gable end, a dormer and a roof light to the south east elevation. A first floor obscure glazed window is proposed to the hipped flank to the north east elevation.

5.2.6 The proposed materials to the external elevations are set out in Section 9 of the application form, and comprise stock bricks, plain tiles and white uPVC joinery.

5.3 **Principle of Development**

5.3.1 Outline planning permission was granted in December 2009 at Planning Committee for the erection of two 1.5 storey houses under MA/09/1894. As such, the principle of residential development on the site was accepted. Copies of the indicative site plan and front elevations (drawing numbers DHA/7272/03 and DHA/727/04) and officer report approved under MA/09/1894 are attached as Appendix 2.

5.3.2 However, since that decision, PPS3: *Housing* was revised in June 2010 which contains two changes:

- The reclassification of private garden land to now be excluded from the definition of previously developed land; and
- The removal of the national minimum density target for housing development of 30 dwellings per hectare.

5.3.3 The effect is to remove a presumption in favour of development of garden land. The 'old' PPS3 didn't allow for the development of all garden sites, however, and as a corollary, I do not consider that the amended PPS3 means that all development in gardens should now be refused. Each application must be judged on its own merits and I will assess the development in light of these changes below.

5.4 **Visual Impact**

5.4.1 Public views of the rear garden are limited as it is surrounded by private residential gardens and properties on three sides, and by an area of protected woodland to the north. For this reason, I do not consider it provides an important or strong contribution to the appearance of the area as it can't be seen in the wider landscape. Development within the rear garden to my mind would have a limited visual impact upon the area or the streetscene within Grove Green Lane and for this reason, and bearing in mind the PPS3 changes, I consider the principle of developing this greenfield site to be acceptable.

5.4.2 Turning to the scale of the dwelling, whilst the majority of the buildings in the immediate vicinity of the site are bungalows, there are examples of nearby chalet bungalows with dormers of a similar scale and bulk of that proposed. These include Woodside, immediately north east of the site and Grove Cottage, which fronts onto Grove Green Lane immediately opposite the access. It is

therefore considered that the introduction of a chalet bungalow would not be out of keeping with houses in the area.

5.4.3 In terms of design, an informative was attached to the previous outline permission stating,

The developers should ensure that the details submitted pursuant to condition 1 show a development of good design as the submitted illustrative elevation does not represent a sufficiently high quality design for the dwellings. The design should reflect the character of the historic features of Grove Green.

5.4.4 Houses in the area date from the mid and late twentieth century with Grove Green Lane pre-dating the surrounding development that was built in the 1980's so consequently there a mix of house designs. Whilst the design of the dwelling is simple in terms of its form and level of detailing, this is also the case for other houses within the vicinity. The partially hipped main roof and dormers are also features present on other bungalows on Grove Green Lane so there is some reflection of local character here. There are a mixture of materials within the area including red/brown and yellow bricks, white paint and various roof tiles. The materials proposed being red/brown stock bricks as shown on the plans and plain tiles would therefore generally be in keeping with the mix of other buildings.

5.4.5 Overall, whilst certainly not of an exceptional design, the building would be in keeping with the character of this area of Grove Green because there is a mix of buildings present. Because of this I do not consider an objection could be sustained on design grounds.

5.4.6 I consider the siting of the dwelling to be acceptable being in a position that enables retention of protected trees to the north and minimising the impact upon 57 Wingrove Drive to the southwest. The gap between the house and the southwest edge of the site enables retention of an existing hedge. As stated above, the visual impact of the development would be minimal from outside the site and for this reason, I consider the siting of the dwelling to be acceptable.

5.4.7 The access would be finished with shingle and would have a minimal visual impact from outside the site. It has generally been kept to a minimum and I consider it to be acceptable.

5.5 **Residential Amenity**

5.5.1 The proposal represents backland development where the main issues for neighbouring amenity are privacy, impact upon light and outlook, and noise/disturbance from the use of the access.

- 5.5.2 In terms of privacy, the design of the dwelling is such that first floor windows are mainly to the front and rear (north west and south east) elevations. Front windows would face onto the woodland to the northwest and rear windows towards the rear gardens of 36 and 34 Wingrove Drive, 60 Restharrow Road and 'Weavers'.
- 5.5.3 I do not consider there would be any unacceptable loss of privacy to the front of the dwelling as there would only be limited oblique views to the flank wall of 57 Wingrove Drive. Similarly to the rear, only oblique views would be offered to the rear garden of no. 57 and no. 36 to the south. The boundary with the rear garden of no. 34 would be over 19m away from windows. The actual dwellings at nos. 36 and 34 would be between 21m and 28m from rear windows. Due to the distances and angles from these houses and their gardens, I do not consider an unacceptable loss of privacy would occur.
- 5.5.4 Views to the rear garden of 60 Restharrow Road would be more direct. The rear windows would be around 16.5m from the edge of this properties rear garden so would result in some limited overlooking of the rearmost part of the garden. However, the majority of this garden would not be unacceptably overlooked, particularly the area immediately to the rear of this property which would be afforded a sufficient level of privacy. This would also be the case for 'Weavers' to the southeast. The distance between the proposed dwelling and these properties is approximately 33m and 42m and at this distance, I do not consider there to be a privacy issue from windows to windows.
- 5.5.5 Although a first floor window is proposed to the north east flank elevation facing Woodside and Burnlea, this is to serve a bathroom and can be conditioned to be obscure glazed and fixed. All other openings are at ground floor level and would not cause a loss of privacy. For this reason there is not considered to be any significant impact upon neighbouring occupiers with regard to overlooking and loss of privacy.
- 5.5.6 Although the proposed building is sited near to 57 Wingrove Drive to the south, the building has a low eaves height (3.3m) and a part hipped roof, and it is considered that the rear outlook of this dwelling would not be harmfully affected. This property would still have a largely open aspect to the south west and south east which is formed by residential gardens. Nor do I consider a significant loss of light or overshadowing would occur to this bungalow. No other properties would be affected in these respects.
- 5.5.7 The access drive would lead around the northern flank of Woodside and this raises questions over the impact on the living conditions for that dwelling. I agree with the assessment in 2009 under the outline application that this property would be partly shielded from passing vehicles and pedestrians by the existing single storey garage on the north side of the house and, on balance, I

consider the amenities of Woodside would be preserved to a reasonable degree. Any vehicle movements outside the proposed house would not be too such a degree that it would cause unacceptable disturbance to other neighbouring properties.

5.5.8 Concern has been raised with regard to noise from the proposed sewerage pump to the rear of the proposed dwelling on Plot 1 (being considered under MA/10/1763). The apparatus is to be below ground, and as such any resultant noise would be limited. As stated above, the Maidstone Borough Council Environmental Health Officer raises no objection to the proposal.

5.5.9 I consider the proposed dwelling would be afforded a decent standard of amenity with a private area within the garden and an acceptable outlook.

5.6 Highway Safety & Parking

5.6.1 The proposed dwelling shares a vehicular access to Grove Green Lane with Plot 1. The principle of this access to Grove Green Lane and its siting has been approved under the outline application. Grove Green Lane already serves a large number of residential properties and this development would represent a marginal increase in overall traffic. Visibility is adequate onto Grove Green Lane to safeguard pedestrian and vehicular safety. Refuse collection is indicated to take place to the north of Woodside, which would avoid refuse vehicles using the access. This would prevent any highway safety or amenity issues.

5.6.2 Although no passing places are proposed along the access mainly due to the proximity of protected trees, it is not considered that this is necessary given the 3.5m width of the access and the limited extent of the private use that is likely to result occupation of one or two dwellinghouses.

5.6.3 Parking for the house would be in the provision of a garaged parking space and space to the front of the property and on the access (3 spaces in total). This is considered to represent an adequate level of on site car parking for a 4 bedroom dwelling that would not lead to highway safety issues.

5.6.4 It is noted that Kent County Council Highway Services raise no objection to the proposal.

5.7 Landscaping

5.7.1 There are protected trees within and immediately adjacent to the north west boundary of the proposal site, however the landscape officer is satisfied the development would not extend within the root protection area of any of the trees and for this reason no objections are raised. Nonetheless tree protection measures can be a condition to ensure protection during construction.

5.7.2 Some indicative landscaping is shown on the proposed block plan (drawing number 1261-2-201 rev A). Although limited in scope, the limited public views of the site and the presence of protected trees to be retained are such that it is not considered necessary to attach a landscape condition to the permission.

5.8 Other Matters

5.8.1 The applicant has stated in the design and access statement that the development is designed to achieve at least a Level 3 of the Code for Sustainable Development. In order to secure this, it is considered necessary and appropriate to attach a condition to the permission requiring the submission of a final Code certificate prior to occupation of the dwelling.

5.8.2 There is a pond within the area of protected woodland, approximately 16m from the proposed site boundary. As there is potential for the presence of great crested newts on the site as a result of the proximity of this habitat, as well as other protected flora and fauna, an ecological scoping survey and great crested newt survey have been submitted in support of the application. The surveys concluded that no protected amphibians are present on the site, and that whilst the proposal site may provide potential habitats for slow worms (*Anguis fragilis*) and wild birds, disturbance to these populations can be adequately mitigated, as set out in the recommendations of the ecological scoping survey. For this reason, a condition requiring compliance with the recommendations of the ecological scoping survey prior to the commencement of the development will be attached to the permission.

5.8.3 As detailed above, concern has been raised with respect to the absence of a perspective view of the rear elevation of the building. Such a document is not required for the determination of the application, and it is considered that the submitted elevations are adequate to assess the visual appearance of the proposal, and that the submission of additional "artist's representations" would not be reasonable.

6 CONCLUSION

6.1 For the reasons set out above, I consider that the proposed development is acceptable and recommend permission 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 buildings 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 policy CC1 of the South East Plan 2009 and central government policy and guidance in PPS1 Delivering Sustainable Development.

3. All trees shown to be retained on drawing number 1261-2-201 rev A must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and 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 NRM7 of the South East Plan 2009 and central government policy and guidance in PPS1 Delivering Sustainable Development.

4. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. If any retained tree is removed, uprooted or destroyed or dies, a replacement tree shall be planted and that tree shall be of such size and species, and shall be planted at such

time and in a position to be agreed with the Local Planning Authority, as may be specified in writing by the Local Planning Authority;

Reason: To safeguard existing trees to be retained and 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 NRM7 of the South East Plan 2009 and central government policy and guidance in PPS1 Delivering Sustainable Development.

5. The dwellings shall achieve 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, and central and regional planning policy and guidance in PPS1 Delivering Sustainable Development and Kent Design 2000

6. The development shall be undertaken in accordance with the mitigation measures detailed in Chapter 4 (Recommendations) of the Ecological Scoping Survey (Reference 2010/04/04);

Reason: In the interests of ecological and biodiversity conservation in accordance with central government planning policy and guidance as set out in PPS9 Biodiversity and Geological Conservation.

7. The first floor window to the first floor of the south west elevation shall be shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To prevent overlooking of adjoining properties in accordance with central government planning policy and guidance in PPS1 Delivering Sustainable Development.

Informatives set out below

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 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 EHM regarding noise control requirements.

Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

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.

Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

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Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager.

The applicant is asked to be mindful of the Boxley Parish Council planning policy 'Traffic Management for Residential Development' during construction periods.

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 there are no overriding material considerations to indicate a refusal of planning consent.