

APPLICATION: MA/09/1894 Date: 15 October 2009 Received: 19 October 2009

APPLICANT: Mr & Mrs Brown

LOCATION: LAND AT WOODSIDE & BURNLEA, GROVE GREEN LANE,
WEAVERING, MAIDSTONE, KENT, ME14 5JW

PARISH: Boxley

PROPOSAL: Outline planning application for erection of 2 no. dwellings with access to be considered at this stage and all other matters reserved for future consideration as shown on drawing nos. DHA/7272/01, 02, 03 and 04 received on 19/10/09.

AGENDA DATE: 17th December 2009

CASE OFFICER: Geoff Brown

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

- it is contrary to views expressed by Boxley Parish Council

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, T13
The South East Plan 2009: CC1, CC4, CC6, BE6, T4
Village Design Statement: N/A
Government Policy: PPS1, PPS3

HISTORY

MA/04/0665 – Erection of a single storey rear extension – Permitted.

CONSULTATIONS

BOXLEY PARISH COUNCIL "wish to see refused and reported to planning committee. Members considered that this was out of keeping in the area and that the plot was being over developed. Concern was raised over the access and egress to the site, the potential impact on the trees on the site which are covered by TPOs and the effect on the current wildlife at the site. Members queried whether an Environmental Impact Survey was required. Information has been received that a tree has already been felled on the site which might have been covered by a TPO.

Whilst Boxley Parish Councillors did not discuss this I want to remind you that this Parish Council has a Section 106 wishlist. If you are minded to agree this application can thought please be given to requesting a contribution towards community facilities. For instance both Community Halls (Grove Green and Weaving) are having to start refurbishing their old buildings (fire doors and lights/ceilings) so a £1000 contribution to each hall would'nt go amiss. I know MBC does'nt generally do this but I also know that it can if it wants to."

THE KENT COUNTY COUNCIL HIGHWAYS OFFICER has no objection subject to conditions to govern the construction phase of the development.

MBC'S LANDSCAPE OFFICER states: "The trees as shown on the Proposed site layout plan by DHA Planning (Drawing No DHA/7272/03, dated September 2009) appear to be accurately plotted. The two large trees shown within the rear garden of Woodside are both mature English Oak. The only other notable tree within the vicinity of the proposed development is a mature Ash tree growing on the adjacent land directly behind the boundary fence. All three trees have been highlighted on the plan with arrows marked as TPO Trees. Having inspected all three trees the Root Protection Areas marked on the plan appear to be correct and as long as the proposed drive is located in the position shown on the plan there are no arboricultural reasons to refuse the scheme provided that tree protection conditions are applied to any consent you are mindful to approve. For your information, at the time of inspection a large stump of a recently felled Sweet Chestnut tree was present toward the front of the property. This tree is located outside the TPO area so formal consent for its removal would not have been required.

MBC'S ENVIRONMENTAL HEALTH OFFICER has no objection.

REPRESENTATIONS

COUNCILLOR MRS HINDER has written to pass on the concerns of residents in Wingrove Grove. Their houses are set at a lower ground level and they are concerned that the proposed houses would be of a height such as to cause them a loss of light and privacy. Councillor Hinder feels that overlooking may occur due to the difference in land levels, although windows facing them could be obscure glazed.

LETTERS OF OBECTION HAVE BEEN RECEIVED FROM FOUR NEARBY HOUSES. The main points of objection are:

- a) This scheme would represent overcrowding and an overdevelopment of the site.
- b) The access to the site and Grove Green Lane could not cope satisfactorily with this development. Emergency, refuse and private vehicles would need to reverse and manoeuvre at the head of the road close to the access point and this would cause danger to vehicles and to persons using the nearby public footpaths.

- c) The proposals would be harmful to the residential amenities of neighbours. There would be a loss of light and privacy. It must be recognised that the application site is higher land than neighbouring properties to the south and west. The application does not adequately take into account the impact on neighbours.
- d) The scheme would harm trees and hedging. A horse chestnut tree has already been removed.
- e) Wildlife on the site would be harmed by the development, including protected species.

CONSIDERATIONS

Description of the Site

The application site is located on land off the west side of Grove Green Road (a private road) within the defined urban area of Maidstone. It comprises the western parts of the rear gardens of two detached properties, Woodside (a chalet bungalow) and Burnlea (a bungalow). The land here generally slopes down to the south and west and both rear gardens are characterised by lawns with modest trees and bushes, particularly around the boundaries. At the northern boundary of Woodside two mature oak trees are protected by woodland TPO 5/2005, as is a mature ash tree just beyond the boundary: this TPO protects the woodland to the north which 'projects' into the northern margins of the garden.

The Proposal

This is an outline application for the erection of two, one and a half storey dwellings. In terms of detail, only the means of access is to be determined here; issues of appearance, landscaping, layout and scale are reserved for future consideration and are not formally part of this application. Drawings which show the layout and details of the housing have been presented only to illustrate how the two properties may be developed.

As described above the area to accommodate the houses would be the western portions of the rear gardens of Woodside and Burnlea. Access would be via the northernmost of the current two access points that serve Woodside with a new access drive formed around the northern flank Woodside. Woodside would continue to enjoy parking space to the front of the dwelling. The illustrative layout shows how it would be possible to form an access road around the northern flank of Woodside without damaging trees: the drive has been drawn to avoid the root protection areas of the protected oaks and ash. The illustrative drawings show two chalet bungalows but I again emphasise that these are not formally part of the application.

Planning Considerations

The Development Plan and PPS3 'Housing' place a firm emphasis on the development of new housing within sustainable settlements in preference to residential development in less sustainable rural locations. This site is located within the urban area of Maidstone with good access to basic services and public transport and there is no objection to the general principle of two houses in such a location.

Turning to the site specific matters, in my view there is sufficient space to accommodate two detached dwellings (with amenity space, parking space, etc.) without adversely affecting the character and appearance of the area. The location of the site is such that the development would be behind the main built frontages and, in any event, chalet bungalows are a feature of the area and, subject to design, the development proposed would not look out of place.

I do not regard this as an overdevelopment of the site. At approx. 15 dwellings to the hectare, the density is below the 30 dwellings per hectare indicated in PPS3 however I regard the density of development to be acceptable: a higher density would not be appropriate given the need to retain trees and preserve the amenities of Woodside. There is sufficient room to provide amenity space for the houses and leave adequate garden land for Woodside and Burnlea.

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. That property would be 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.

The Highways Officer has raised no objection and I agree that there are no reasons to refuse this application on highways grounds. Grove Green Road already serves a large number of residential properties and this development would represent a marginal increase in overall traffic. Visibility is adequate at the point of access to safeguard pedestrian and vehicular safety. Both the existing and proposed dwellings would have off-road parking space.

I note the objections of neighbours but much of the concern seems to be based on the illustrative drawings of the dwellings which are not put forward for formal determination here. Whilst recognising that land levels on the site are higher than those of neighbouring properties to the south and west, in my view there is sufficient space on the site such that it should be quite feasible to arrive at a layout, scale and design that causes no significant harm to neighbours in terms of loss of light, loss of privacy, loss of outlook or excessive noise and disturbance.

The comments of the Landscape Officer are reported above. He has examined the scheme and has no objection, commenting that the route of the access drive is outside the root protection area of the protected trees. No trees of significance would be removed or damaged as a result of this development and there are no grounds to

object on this issue. There would be adequate space to provide new planting as a part of the required landscaping details. Whilst I recognise that, to degree, all suburban gardens support wildlife, these are characterised by mown grass, ornamental planting, etc and I do not consider that this application can be refused on ecological grounds.

It would not be appropriate to require financial contributions towards social facilities, etc. on a proposed development of only two dwellings. I recommend that outline planning permission be granted.

I note that the illustrative elevation submitted with the application does not show a dwelling of high quality design, in that it does not take adequate account of its visual context, and I recommend the imposition of an appropriately worded informative.

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

a. Layout b. Scale c. Appearance d. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The dwellings shall achieve a minimum of Level 3 of the Code for Sustainable Homes. The dwellings shall not be occupied until a final Code Certificate has been issued for them certifying that (at least) 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, PPS1: Delivering Sustainable Development and Kent Design 2000.

3. The landscaping details to be submitted pursuant to condition 1 shall demonstrate how all trees to be retained will be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction- Recommendations'. 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. This in accordance with Policy ENV6 of the Maidstone Borough-Wide Local Plan 2000.

4. The development shall not commence until, details of the proposed slab levels of the building(s) and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site. This in accordance with Policy CC6.

Informatives set out below

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 proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.