

APPLICATION: MA/11/0135 Date: 2 February 2011 Received: 4 February 2011

APPLICANT: Mr Scott Panter

LOCATION: 1, NORTHDOWN CLOSE, MAIDSTONE, KENT, ME14 2ER

PARISH: Maidstone

PROPOSAL: Erection of a single storey dwelling with associated parking and works as shown on drawing numbers Maidstone/121, Maidstone/122, Maidstone/123, Maidstone/124, Maidstone/125, Maidstone/126 and Maidstone/127, flood risk assessment and design and access statement received 2nd February 2011; drawing numbers Maidstone/122 and Maidstone/128, landscape statement and covering email received 28th February 2011; and drawing number Maidstone/10 rev A received 2nd March 2011.

AGENDA DATE: 17th March 2011

CASE OFFICER: Catherine Slade

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

- Councillor Warner has requested it be reported for the reason set out in the report

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, T13
- South East Plan 2009: SP3, CC1, CC4, CC6, H5, T4, BE1
- Village Design Statement: Not applicable
- Government Policy: PPS1 – “Delivering Sustainable Development”, PPS3 – “Housing”, Circular 11 of 1995 “The Use of Conditions in Planning Permissions”
- Other: Maidstone Borough Council Policy/Development Advice Note – Changes to PPS3

## **2. HISTORY**

- MA/87/0879 Erection of single storey side extension and detached garage– APPROVED WITH CONDITIONS

The application has been the subject of pre-application consultation with the Local Planning Authority.

### **3. CONSULTATIONS**

- 3.1 **Councillor Warner:** Wishes the application to be reported to Planning Committee on the following grounds:

*"(The proposed development is) out of keeping with the character of the area and the existing streetscene."*

- 3.2 **Kent County Council Highway Services:** raise no objection to the proposal subject to the imposition of conditions relating to the prevention of deposit of mud on the highway; securing the parking spaces for that purpose; the construction of a properly consolidated and surfaced access; and vehicular and pedestrian visibility splays.
- 3.3 **Maidstone Borough Council Environmental Health Manager:** Raises no objection to the proposal.
- 3.4 **Maidstone Borough Council Landscape Officer:** Raises no objection to the proposal subject to pre-commencement conditions requiring the submission and written approval of tree protection details, to include protection of the hedges to be retained and areas proposed for new planting, and the submission and approval of landscaping details including implementation and management.
- 3.5 **Kent County Council Ecology Officer:** Raises no objection to the proposal subject to the imposition of a condition requiring an inspection of the trees/hedges by an appropriately qualified person prior to any works to said specimens.

### **4. REPRESENTATIONS**

Seven representations were received which have raised the following concerns:

- The proposed development is out of character with the existing built environment in Northdown Close.
- Poor design.
- The proposed development would result in a cramped form of development.
- Inadequate provision of private amenity space.
- The use of garden land for new dwellings is contrary to central government planning policy.
- The arrangement of the internal space is incompatible with the scale of the proposed development.
- Harm to residential amenity of neighbouring occupiers through loss of privacy and noise caused by use of gravelled areas.
- Loss of existing landscaping and screening.

- Loss of on street parking and additional pressure as a result of the proposed development.
- Inconvenience during the construction period.
- The proposed development would be contrary to covenants on the land.
- Inaccuracies in the application drawings.
- Harm to local biodiversity.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

5.1.1 The site is located in the urban area of Maidstone as defined in the Local Plan. It is in North Ward, and has no specific environmental or economic designations in the Local Plan.

5.1.2 The site is located to the south west of Northdown Close, an interwar residential cul de sac comprising semi detached and detached two storey dwellings in a distinctive 1930s architectural style with distinctive sun trap windows to the front elevations, believed to represent a local house builder's interpretation of the "moderne" genre of the time. Northdown Close adjoins the west of Boxley Road, and is an unclassified highway. There is no through way for either traffic or pedestrians.

5.1.3 The existing dwelling is located in the west of the site, and is a semi-detached building of the type described above. The dwelling has been the subject of a single storey extension to the side elevation.

5.1.4 The proposed development would occupy the side garden of 1 Northdown Close, and is currently laid mainly to lawn with some landscaping. The front boundary of the site to the highway is marked by a 1.8m closeboard fence above a dwarf wall with Leylandii hedging behind. The boundary treatment is in excess of 2m in height. The interior of the site is not visible from the highway when viewed from the south east. The site is level.

### **5.2 Proposal**

5.2.1 The current application seeks planning permission for the erection of a detached single storey dwellinghouse to the east of 1 Northdown Close.

5.2.2 The proposed dwelling would have a footprint of approximately 65.77m<sup>2</sup>. The building would be single storey with additional accommodation in the roofspace, facilitated by the use of roof lights to the front and rear elevations, and a single dormer window to the rear.

- 5.2.3 The dwelling would have a ridge height of 5.8m, and eaves heights of 2.6m, and the roof would have a half hipped form. The front elevation would be 12.2m in width at ground floor level, and would have an eaves height overhang of 0.4m to the side elevations. The main front elevation of the dwelling would be set back within the plot by 7.4m, which would serve to maintain the building line of Northdown Close.
- 5.2.4 The proposal would provide two off road parking spaces in the east of the site, and the provision of private amenity space to the side and rear of the proposed dwelling. The existing car parking and rear garden would be retained for the use of the occupiers of 1 Northdown Close.
- 5.2.5 The landscaping scheme seeks to retain much of the existing landscaping to the site boundary with Northdown Close, and to introduce new landscaping within the site to provide additional screening of the proposed development from direct views.

### **5.3 Principle of Development**

- 5.3.1 The proposal site is located within the defined urban area of Maidstone in a sustainable location just off Boxley Road (the C97) which is served by bus routes, approximately 1.1km from the nearest train station which is located in the town centre of Maidstone. The site is within walking distance of all town centre services and facilities, and is approximately 420m from the Sandling Lane, Penenden Heath Local Retail Centre, as defined in saved policy R10 of the Local Plan.
- 5.3.2 As Members will be aware, PPS3 "Housing" has recently been the subject of revisions which have removed garden land from the definition of previously developed land. The Maidstone Borough Council response to the changes to PPS3 is set out in a Development Advice Note – Changes to PPS3. The effect is to remove a presumption in favour of development of garden land. However, whilst the 'old' PPS3 didn't allow for the development of all garden sites, it is not now the case that the amended PPS3 means that all development in gardens should be refused. Each application must be judged on its own merits and I will assess the development currently under consideration in light of these changes below.
- 5.3.3 In this case, it is considered that the side garden of 1 Northdown Close plays a negligible role in the overall character of the streetscene. The site is located approximately 56m from the junction of Northdown Close with Boxley Road, and as the road is not a throughway, the value of the site as an open space on public views is restricted. Furthermore, the space represents an enclosed space which is screened from views along Northdown Close by a 1.8m closeboard fence and a Leylandii hedge in excess of 2m in height which is located along the front

boundary of the site. It therefore has a limited impact in maintaining the openness of the streetscene.

- 5.3.4 In addition to the above, the appearance of the streetscene in Northdown Close is characterised by narrow spacing between neighbouring pairs of semi-detached dwellings (some of which have been the subject of single or two storey side extensions or garages in the interstitial spaces) and in this context, the introduction of a new dwelling would be in keeping with the spatial arrangements of the streetscene and visual gaps between properties along Northdown close.
- 5.3.5 In any case, the effect of the ridge height, the set back of the dwelling within the proposal site and the retention of existing screening would mitigate against any visual impact of the proposed building in the streetscene, which would in any case be limited due to the scale of the development, its position within the site, the status of the highway as a no through road, and the relationship between the site and the highway.
- 5.3.6 For the reasons set out above, the principle of residential development in this location is therefore acceptable, in accordance with central government planning guidance in PPS1 "Planning for Sustainable Development" and PPS3 "Housing".

#### **5.4 Design and Character of the Development**

- 5.4.1 The proposed dwellinghouse would be a single storey property, with dimensions as set out above in section 5.2.
- 5.4.2 Objections have been raised with regard to the design of the proposal with regard firstly to its relationship to the context of Northdown Close, and secondly the detail of the proposal. I will deal with these in turn.
- 5.4.3 It is true that the character of Northdown Close is strong in respect of the coherency of the design, layout and scale of the existing buildings, which, as set out above, represent a comprehensive interwar development of a distinctive 1930s character. However, many of the properties have been significantly altered with regard to their overall form, detracting from the original form of the development.
- 5.4.4 With regard to the introduction of the proposed building into the streetscene, although the building would be a single storey dwelling, and as such would differ from the form of the existing buildings in the immediate vicinity of the site, this is not considered to represent a reason for refusal of the application, as regional and national planning policy and guidance seeks to achieve a mix of housing types and scales in sustainable locations such as this. In this case, it is considered that a two storey dwellinghouse would result in a cramped form of development on the site, but that a single storey dwellinghouse is acceptable.

Furthermore, views of the proposed building would be limited due to the scale and position of the dwelling within the site, the existing landscaping which is to be retained, and the form of Northdown Close, which are all factors that prevent extensive views of the site from public view.

- 5.4.5 Members will be aware of similar examples of such development at comparable sites on Wordsworth Road (which also leads off of Boxley Road), where the predominant existing house types comprise detached and semi-detached properties, relating to single storey residential development. In this case, whilst the single storey form, angle of roof slope and omission of chimney stacks are design features that are considered to contrast with the existing dwellings in Northdown Close, the limited opportunities for viewing the property from public spaces is such that it is not considered that an objection on this ground could be sustained at appeal.
- 5.4.6 Concern has been raised with regard to the development having a cramped appearance within the plot, and the level of provision of private amenity space. In this case, it is considered that the siting of the building within the land is acceptable. The building would be set back from the front boundary of the site by approximately 7.4m, and whilst the rear garden space would be limited, this would be off set by garden areas located to the side of the property and between the dwelling and the highway. This siting would also serve to maintain the existing building line. It is not considered that this arrangement would constitute a cramped development, and furthermore that satisfactory levels of private amenity space would be provided for future occupants. The proposal would result in a reduction in the garden area available for the occupiers of 1 Northdown Close, however this property would retain front and rear gardens.
- 5.4.7 With regard to the design of the proposal, the applicant has sought to incorporate visual elements of the surrounding dwellings, such as the use of prominent bay windows to the front elevation and a strong horizontal emphasis in the overall appearance of the building. In light of the utilisation of such elements, and the limited visual impact of the dwelling, it is considered that the design is acceptable.
- 5.4.8 Notwithstanding the above, no detail has been supplied with the application in terms of the external materials of the proposed development. In order to secure a satisfactory appearance in keeping with the overall character of the streetscene, it is considered necessary and reasonable in this case to attach a condition to any approval requiring the submission of details and samples of materials, and to require said details to include light coloured render and roof tiles to pay respect to the detailing of the existing dwellings.

## **5.5 Residential Amenity**

- 5.5.1 Concern has been raised by neighbouring residents with regard to the potential for harm to residential amenity as a result of loss of privacy. The proposed dwelling is designed as a single storey structure with roof lights, and the nearest facing dwellings to the north are located at a distance of approximately 24m across a highway from the proposed dwelling, in an elevated position with substantial existing screening between the proposed and existing properties. The nearest residential properties to the rear are located in excess of 30m from the proposed dwelling.
- 5.5.2 There would be no impact upon the occupiers of the neighbouring dwellings with regard to loss of light, outlook, or any other aspect of residential amenity. Although objection has been raised with regard to the potential for noise disturbance from use of gravelled areas, it is not considered that this would be excessive in the context of what might be expected in a residential area such as this.
- 5.5.3 The Maidstone Borough Council Environmental Health Officer has raised no objection to the proposal, and for the reasons set out above, it is considered that there is no objection to the proposal on the grounds of harm to residential amenity.

## **5.6 Highway Safety**

- 5.6.1 Concern has also been raised by local residents with regard to highway issues including loss of on street parking, increased pressure for additional parking on the public highway, the access arrangements being dangerous, and disruption caused by construction traffic.
- 5.6.2 The proposal includes the provision of two off road vehicle parking spaces, and would result in the loss of one on street car parking space. There would therefore be a net gain in one car parking space. This is considered to be acceptable given the sustainable location, and in the absence of any locally adopted car parking standards.
- 5.6.3 With regard to highway safety issues, the Kent County Council Highway Officer has raised no objection to the proposal. Although five conditions have been suggested by the officer, of these none satisfy the tests for conditions as set out in Circular 11 of 1995.
- 5.6.4 Northdown Close is an unclassified road, and as such planning permission is not required for the introduction of a vehicular crossover, although consent will be required from Kent Council Highway Services. In light of this, it is not reasonable to impose extensive conditions on this element of the proposal, which in any

case are unnecessary given the distance of the proposed access from the junction with Boxley Road, the limited traffic levels that may be expected on a residential cul de sac of this length, and the narrowness of the highway, which mitigates against high speed traffic.

- 5.6.5 With regard to construction traffic, this is beyond the scope of the control of the Local Planning Authority as a temporary state of affairs necessitated by the implementation of a planning permission, and as such cannot be controlled by condition. Any concerns in this regard should be referred to the Health and Safety Executive. Notwithstanding this, an informative should be attached to the permission drawing attention to the considerate contractors scheme.

## **5.7 Other Matters**

- 5.7.1 Local residents have informed the Council of covenants on the land which prevent the erection of dwellings within the gardens of the residential properties, however private covenants are not a planning consideration and should be addressed as a civil legal matter.
- 5.7.2 Concern has also been raised with regard to the potential of the Leylandii on the site as an ecological resource and habitat for nesting birds. A landscaping plan showing the frontage Leylandii to be retained has been submitted by the applicant, and is currently under consultation. The Kent County Council Ecological Officer has confirmed that there is no objection to the proposal on ecological grounds subject to the imposition of conditions relating to works to trees during nesting seasons. Notwithstanding these comments, it is my opinion that the limited extent of the works proposed to trees and hedges, and the character of the garden, which is currently mainly laid to lawn, are such that the proposal would have a negligible impact upon the biodiversity of the proposal site and the surrounding area, and that although conditions have been requested, these would duplicate other legislation, and therefore should be dealt with as informatives.
- 5.7.3 With regard to trees and landscaping, the Maidstone Borough Council Landscape Officer confirmed at the pre-application stage that the development would not have any detrimental impact upon mature trees in adjacent gardens, and has reiterated that opinion in comments relating to the current application. Concern has been raised about inaccuracies in the application documentation in respect of the representation of trees, however the application has been assessed in this regard, and the omissions are not considered to have any impact upon the assessment of the application. The Landscape Officer raises no objection to the proposal subject to pre-commencement conditions as set out above. In the case of the conditions relating to tree protection measures, these have been attached as requested, however it is not considered reasonable or necessary to impose conditions requiring the submission of an additional landscaping scheme given



the detail submitted in support of the application. An implementation condition should, however be attached.

- 5.7.4 An objection has been received which raises concern with regard to the relationship between the proposed internal accommodation and the scale of the building proposed. The Council has to make an assessment on the proposal as submitted, and in this case there is no suggestion that the development would not be undertaken in accordance with the approved scheme. If amendments to the proposal are required for any reason at a later date, these would be the subject of a further planning application, and their impact would be assessed at that stage. With regard to development permitted under the scope of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), it is considered that the scope for additions to the property in excess of what is proposed are controlled adequately through the Order, and to further restrict permitted development rights would in this case be contrary to the tests as set out in Circular 11 of 1995.
- 5.7.5 The applicant has confirmed that the proposed development is intended to reach Level 3 of the Code for Sustainable Homes, and a condition is attached to this report to secure this.
- 5.7.6 The landscaping scheme shows the areas of hard surfacing within the site to be restricted to a car parking area adjacent to the highway and paths around the dwellinghouse, to be surfaced in loose gravel. Given the concerns of the Kent County Council Highway Officer with regard to surfacing materials of parking areas and the need to secure sustainable drainage within the site, in this case it is considered reasonable and necessary to require the submission and written approval of these areas of hard surfacing.

## **6. CONCLUSION**

- 6.1 The principle of the development is acceptable in this location, notwithstanding the changes to PPS3 "Housing" set out above, and it is not considered that the loss of garden land in this case would be detrimental to the appearance of the streetscene or the character of the area. The siting, scale and design of the proposed development is considered to be acceptable in terms of overall appearance of the development, impact upon the amenity of neighbouring occupiers and all other matters, and no formal objection has been raised to the development by consultees.

For the reasons set out above and having regard to the policies of the Development Plan and any other material considerations, the proposed development is considered to be in accordance with the policies of the Maidstone Borough-Wide Local Plan 2000, the South East Plan 2010 and central

government planning policy guidance and advice, and I therefore recommend the application for approval subject to the conditions set out above.

## **7. RECOMMENDATION**

GRANT 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 (which shall include light coloured render and tiles to reflect the appearance of the adjacent properties) 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 planting, seeding or turfing comprised in the approved details of landscaping as shown on drawing Maidstone/128 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000, and central government planning policy and guidance in PPS1 Delivering Sustainable Development.

4. The dwelling shall achieve Level 3 of the Code for Sustainable Homes. The dwelling shall not 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 Guide 2000.

5. The development, including demolition works and before machinery is brought on to the site, shall not commence until full details of the design and construction of all areas of hard surfacing, have been submitted and approved in writing by the Local Planning Authority. The details shall include an Arboricultural Method Statement prepared in accordance with the recommendations of BS5837:2005, and the construction of the drive and parking areas should be 'no dig' in accordance with the recommendations of BS5837:2005 and Arboricultural Practice Note 12 'Through the trees to development', and the use of a permeable surfacing material. The approved driveway shall be constructed prior to any machinery or heavy vehicles being allowed on to the site.

Reason: To ensure that no unnecessary root damage occurs that could lead to the premature death or decline of adjacent trees and hedges and to secure sustainable drainage of hard surfaces and a satisfactory appearance to the development in accordance with policies ENV6 of the Maidstone Borough-Wide Local Plan 2000 and CC1, CC4 and CC6 of the South East Plan 2009, and central government guidance in PPS1 Delivering Sustainable Development.

### **Informatives set out below**

No burning shall take place at the application site.

Removal of existing trees or hedgerows containing nesting birds shall take place outside of the bird-breeding season (generally March to August).

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at [www.considerateconstructorscheme.org.uk](http://www.considerateconstructorscheme.org.uk).

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

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

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours, can not be highly stressed. Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work,

for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

A scheme for the use of wheel cleaning, dust laying and road sweeping equipment shall be provided on site if required. This shall be implemented in its entirety once development has commenced, for the duration of demolition/construction works at the site.

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 the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.