

APP(1)

APPLICATION: MA/10/1878 Date: 25 October 2010 Received: 3 November 2010
APPLICANT: Mr R Parsons, Solinparc Ltd
LOCATION: LAND ADJACENT TO THE RETREAT, WARE STREET, WEAVERING,
MAIDSTONE, KENT, ME14 5LA
PARISH: Thurnham
PROPOSAL: Erection of 1no. bungalow (plot 2) with detached garage, access
and associated works (re-submission of application MA/10/1149)
AGENDA DATE: 24th February 2011
CASE OFFICER: Amanda Marks

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

- It is contrary to the views of the Parish Council
- Cllr Horne has concerns with the application for the reasons set out in the report

1. **POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, T13
South East Plan: CC1, CC4, BE1, T4, H4,
Government Policy: PPS1, PPS3, PPG13,

2. **HISTORY**

MA/10/1149 – erection of a four bedroom bungalow Refused 26.8.10

3. **CONSULTATIONS**

3.1 **Thurnham Parish Council:** object on the following (summarised) grounds:-

- The application would result in over-intensification of the site.
- The exit and entrance would be unsafe and unsuitable.
- The Parish Council would therefore wish to see this application refused by the Borough Council.

3.2 **Environmental Health Officer** - No objections subject to informatives.

3.3 **Landscape, Design & Heritage** - From the plans provided all the trees surveyed in the arboricultural report can be successfully retained and protected in accordance with British Standard 5837: 2005. The siting of the new dwelling

as shown on drawing no 1131/10/3 tree 'Retention and Protection Plan' will not compromise any of the surrounding trees so in principle there are no arboricultural grounds to refuse the application. That said, to ensure the retained trees are protected a tree protection condition should be attached to any consent that you are mindful to approve.

Landscaping of the site is going to be important especially along the eastern boundary of the adjoining properties in Fulbert Drive. I note on the Proposed Plans and Elevations drawing dated October 2010 that new landscaping is proposed with the planting of shrub beds and the siting of 6 new trees all along the eastern boundary. The landscaping schedule that accompanies the plans lists 6 different tree species along this boundary these being as follows:

1. Wild Cherry
2. Field Maple
3. Robinia
4. Variegated Maple
5. English Oak
6. Himalayan Birch

The siting of the 6 trees is acceptable although in order to follow the Borough Council's Landscape Guidance for the area I would like to see the species of trees T3, T4 & T6 changed to more native indigenous forms such as Silver Birch (*Betula pendula*), Bird Cherry (*Prunus padus*) and Wild Service Tree (*Sorbus torminalis*).

3.4 **KCC Highways** – No objections subject to a condition protecting the car parking

3.5 **Kent PRoW** – No objections but make the following observations 'Public Footpath KH119 may be affected by the proposed development. I have no objection to the development providing the works do not encroach onto the Public Footpath and that the new 1.8metre boundary fence is placed inside the boundary fence of the property. It is still important to advise the applicants that a Public Right of Way must not be stopped up, diverted, obstructed or the surface disturbed. This includes any building materials or waste generated during any of the construction phases. Please note that no furniture or fixtures may be erected on or across Public Rights without the express consent of the Highways Authority.

4. REPRESENTATIONS

4.1 Cllr Horne: "This was for many years an open site and was part of the garden of a property on Weaving Street. It had substantial and mature trees. All of which provided an important green corridor for numerous wildlife between the new developments upon Bearsted Park, Fulbert Drive, and the adjacent woodland. Again, it provided an important street scene buffer between the new

development and the earlier ribbon development upon Weaving Street, which was distinct and separate from the new building within the "Grove Green" development phase.

In January the developer felled the mature trees that enclosed the earlier garden land.

The current application is for a single storey bungalow. The roof line will still be visible to the adjacent properties. With development of plot one this will lead to a considerable loss of green space. Again, there will now be a direct sight line into the bedroom accommodation of the properties in Fulbert Drive. Further, the SE boundary abuts a public foot path and the users will be subject to additional traffic movements.

Accordingly, the current application should be subject to the following **conditions:-**

1. The roof should be a green roof planted with sedum; REASON: Sedum roofs create a good habitat for minibeasts- beetles and spiders; they provide food for butterflies, bees and seed eating birds and the spent flower stalks supply nesting material. Again, a green roof by absorbing rainfall reduces pressure on the drainage system. Further, they enhance and improve air quality.
1. There should be a comprehensive landscaping proposal including the planting of mature trees to restore the eco-balance of the landscape destroyed by the applicant, subject to consultation and agreement with the Parish Council and the local Member.
2. The single track which also forms part of the footpath is already overused by vehicular traffic. Accordingly, the footpath from Ware Street to the entrance of The Retreat should be adequately signed and paved with a permeable surface. REASON, to adequately protect in the coming years the footpath users and to remind the vehicle owners that they do not have priority and must take particular care for pedestrians and to provide a safe surface for pedestrian users.

I would be pleased to have your confirmation that you can deal with these matters by CONDITION within your delegated authority.

In the alternative, I would ask that the matter comes to the planning committee."

- 4.2 Neighbour letters: 8 letters have been received raising objection on the following grounds:

- Lack of sight lines and concern on highway safety grounds when entering the access track off Ware Street from a westerly direction;
- Unlikely that emergency service vehicles could serve the proposed property;
- Safety concerns whereby pedestrians using the PRow could come into conflict with road traffic accessing the site;
- Loss of amenity; loss of privacy; light and noise pollution;
- Classic case of garden grabbling; dispute statements made in the application about the land being vacant with previous use unknown;
- Plot on elevated land to that in Fulbert Drive therefore having a greater impact;
- Vehicle movements will still have a detrimental impact on residents as per the reason for refusal of MA/10/1149;
- Queries over the height of the proposed dwelling; detrimental visual impact;
- Scale out of keeping; siting allows for further extension at later date; excessive parking;
- Request an EIA be undertaken;

Non material issues refer to practicalities of construction vehicles accessing the site; hours of working and site has deliberately been left to neglect.

5. CONSIDERATIONS

5.1 Site & Surrounding Area

5.1.1 The site lies within the urban confines of Bearsted in the parish of Thurnham. It is accessed from the southern side of Ware Street. Located behind dwellings which front Ware Street, it is to the east of Weaving Street and west of Fulbert Drive. The application site is adjacent to the recently developed site known as Plot 1 the Retreat; this comprises a detached bungalow with rooms in the roof served by velux windows. The dwellings in Fulbert Drive are two storey detached modern dwellings; those in Weaving Street are generally inter-war period and a mix of chalet bungalows, two storey dwellings and a number have had alterations/extensions undertaken.

5.1.2 Access to the application site can be gained via a single vehicle track which runs between residential properties that front Ware Street and past the front (eastern side) of The Retreat. Public footpath KH119 runs down this track and between the boundary of the application site and the rear boundaries of dwellings in Fulbert Drive.

5.1.3 Contrary to the statements made in the application documentation, the site is garden land which formerly was part of the residential curtilage to the property Woodville, Weaving Street. The land had trees cut down in excess of a year

ago and has since been left unmanaged. The trees were not subject to a Tree Preservation Order and the site does not fall within a Conservation Area.

- 5.1.4 Aside from plot 1 (boundary 6m to the north-east), the closest properties to the application site are those located in the north-west cul-de-sac of Fulbert Drive. There is a distance of between 17m to 26m from the proposed bungalow to the rear of the dwellings in Fulbert Drive; the proposed bungalow is offset at an angle so this is not a case of the front elevation being orientated directly towards the rear of Fulbert Close. The relationship between the proposed and existing properties will be further examined later in this report. The properties in Weaving Street have a separation distance of 45m to the boundary of the application site.

5.2 Proposal

- 5.2.1 This is a full application for a two bedroom detached bungalow together with a single garage, parking and turning area. A previous application for a four bedroom bungalow was considered in August 2010 and was refused under delegated powers.

The reasons for refusal were as follows:

The proposed development by virtue of its size, scale and siting would be harmful to the amenity of the occupiers of The Retreat and the newly constructed bungalow immediately north of the application site. The activity generated by this size of property would result in vehicle movements that would be detrimental to the enjoyment of the occupiers of the aforementioned properties. The proposal constitutes overdevelopment within this locality and would be contrary to the advice contained in PPS1 and PPS3.

The proposal fails to demonstrate an acceptable impact in terms of loss of trees due to the inadequacies of the tree report. The proposal is therefore contrary to policy ENV6 of the Maidstone Borough-Wide Local Plan 2000.

- 5.2.2 The current proposal is for a detached bungalow 15m long x 8m wide. The previously refused scheme was in the region of 22m long x 8m wide at the north-eastern end and 11m at the south-eastern end. The bungalow would be 4.5m in height from ground level to the ridge, 2.5m high to the eaves, with a solar panel in the roof on the south east elevation. Materials would be Redland plain roof tiles and Ibstock facing brick and feature brick.
- 5.2.3 The detached single garage is located to the north of the dwelling and would be finished in materials to compliment the main dwelling. A detailed tree survey together with landscaping scheme accompanies the application. The landscaping

scheme shows trees to be retained, planted and shrubs to be removed. The survey suggests that the quality of the vegetation on the site is of small significance in terms of tree species. A secure garden would be provided at the southern end of the site of approximately 16m long x 16m wide tapering to 9m width. Access by way of a footpath and grassed area is provided at the rear (western) side of the bungalow.

5.3 Principle of Development

5.3.1 The site is located in the urban area. PPS3 'Housing' was revised last year so that garden land no longer falls within the definition of 'previously developed land' and there is no longer a presumption in favour of developing such land for housing. There is no longer a minimum housing density requirement in that guidance. This does not mean that all proposals involving garden land will be unacceptable it does, however, allow greater strength to resist housing development that is deemed unacceptable for sound planning reasons, for example, adverse impact on the character and appearance of the area, residential amenity impact etc. These are issues which will be considered throughout this report. Policy H4 of the South East Plan requires a mix of housing type and size to be provided to cater for all needs of society.

5.4 Visual Impact

5.4.1 Critical to the acceptability of this scheme is the impact of the proposed bungalow on the character and appearance of the locality. Sections have been provided to show the relationship of the bungalow to the adjacent plot 2 and properties in Fulbert Drive. The site level is approximately 1.2m higher than that which the dwellings in Fulbert Drive are sat upon. The ridge height of the proposed bungalow would sit fractionally above the eaves height of no.28 Fulbert Drive. Views of the bungalow would not be possible from Ware Street due to the other properties which front Ware Street; from Weaving Street views would be restricted other than from the rear gardens of dwellings; and from Fulbert Drive views would be from private properties also. Users of the public right of way will be able to see the roof above the existing fence and hedgerow. However, in terms of visual impact in the locality, the bungalow sits subserviently to the surrounding properties. I do not consider it will be dominate the locality for the reasons stated.

5.4.2 The first reason for refusal related to the size, siting and scale of the bungalow and the associated amenity impact. The bungalow has now been reduced in length and width, as has the size of garaging. The knock-on affect is a two bed bungalow which will have fewer vehicle movements and loss of a disturbing impact on occupiers of plot 1 and the Retreat. The scale of the bungalow now sits more comfortably in the plot. The design of the bungalow is simple with a

low pitch roof broken up with three small pitches over the front porch and two bay windows. In terms of materials, samples of facing brick have already been seen as they are as per the previously approved plot 1 i.e. a reclaimed Ibstock Bexhill Red as the primary brick, and a feature brick below the bay window of Ibstock Parham Red. Roof tiles are to be Redland Duoplain rustic red. I consider that the amended scheme has overcome the previous reason for refusal.

5.5 Residential Amenity

- 5.5.1 A number of objections have been received on the grounds of loss of privacy. There are no windows in the north east elevation which is that closest to plot 2 and therefore no loss of privacy. All other windows and openings are ground floor level only. Those at the rear of the bungalow are in excess of 40m from dwellings in Weaving Street which means that there can be no unacceptable loss of privacy between these openings and the private garden areas of the existing dwellings. In addition, the majority of the gardens support coniferous trees of a height greater than the new dwelling. Therefore, with or without boundary screening, I am satisfied that there is no undue loss of privacy afforded from these openings.
- 5.5.2 Those windows at the front of the property serve a bedroom, ensuite, kitchen and dining room. These windows are between 5m and 12m from the boundary with the PRoW; and between 17m and 26m from the rear elevations of the two storey dwellings in Fulbert Drive. At single storey only with fencing, vegetation – existing and proposed, the relationship does not give rise to overlooking.

5.6 Landscaping

- 5.6.1 One of the reasons for refusal related to lack of an acceptable arboricultural assessment being submitted with the application. The current application has incorporated an assessment accepted by the Council's landscape officer, enabling him to be satisfied that the siting and size of the bungalow and associated hard standing will not compromise any of the vegetation on site. As mentioned previously, none of the trees removed previously were protected.
- 5.6.2 The submitted landscape scheme comprises six individual trees on the south east boundary. The location and number of trees is appropriate to help soften the impact of the development; however the landscape officer has requested three of the species be substituted with those in line with the Landscape Character Guidelines. I can confirm that having spoken with the agent, it has been agreed to substitute the species as per the landscape officer's comments. I can deal with this through condition. Subject to planting sizes, whilst not immediate compensation for the residents of Fulbert Close, in the longer term they will be of benefit and also a more attractive and suitable mix than non-native coniferous trees. I am satisfied that reason for refusal 2 has been overcome.

5.7 Highways

The development proposes a single detached garage immediately north-east of the dwelling with one parking space in front of this and turning area. The garage is 6m long x 3m wide x 4m high with a pitched roof. The views of the highway officer have been sought and no objection is raised. In visual terms the garage matches the external materials of the main dwelling and is considered acceptable. The garage is located 1m from the boundary with plot 2; plot 2 is a further 3m in from this boundary. I am satisfied that the height and scale of the garage will not give rise to loss of light to the occupiers of plot 2. Concern has been expressed by the ward Councillor with regard to conflict between pedestrians and vehicles and it has been requested that signs are put in place to alter users of the PRow that vehicles are sharing this road space. My opinion, is that it is fairly obvious that there are dwellings which utilise this section of the PRow without the need for signs; Kent PRow Officer has not raised objection to the scheme and I do not consider it justifiable, reasonable or necessary to impose such a condition on the applicant. Kent Highways raise no objection and I am satisfied that the proposal is acceptable in highway terms.

5.8 Other Matters

5.8.1 One objector has requested an Environmental Impact Assessment be undertaken prior to a decision being reached on the application. The development is not of a scale, type location to require an EIA under the Regulations. Neither do I consider this is a case for an ecological survey to be undertaken. The site is a triangular piece of land in the middle of an urban area on garden land – the likelihood of protected species in this location is slim.

5.8.2 Cllr Horne has requested a sedum roof be used on the proposed bungalow. My experience is that this is something which is generally accommodated on a flat roof as this maximises the benefits. I do not consider this request is reasonable under the tests of the circular when considering the location of the bungalow in the middle of a residential area. This being said, the applicant has provided a solar panel on the roof in the interests of sustainability and to assist in meeting Level 3 of the Code for Sustainable Homes.

5.8.3 Provision is made within the site for the storage of refuse and recycling bins.

6. CONCLUSION

In light of the above assessment, it is considered that that the proposal is in accordance with the provisions of the Development Plan and would not cause significant or unacceptable harm to the character of area, residential amenity or

highway safety. It is therefore recommended that the application be approved 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 hereby permitted shall be carried out in accordance with the following approved plans: as dated stamped 27 October 2010.

Reason: In the interests of the environment and to prevent harm to the residential amenity of neighbouring occupiers in accordance with PPS3.

3. The dwelling shall achieve at least 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 the guidance contained in PPS1 and the Kent Design Guide.

4. Replacement trees T1, T2 and T5 as shown on drawing date stamped 27 October 2010 of not less than Nursery Heavy Standard size (12-14cm girth, 3.6-4.25m height), conforming to the specifications of BS 3936 Part I 'Nursery Stock', shall be planted during the tree planting season (October to February) following the occupation of the building(s) or the completion of the development, whichever is the sooner, and be maintained thereafter to the satisfaction of the local planning authority;

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with policies ENV6 of the Maidstone Borough-wide Local Plan 2000.

5. Replacement trees T3, T4 and T6 as shown on drawing date stamped 27 October shall be substituted with the following species: Silver Birch (*Betula pendula*), Bird Cherry (*Prunus padus*) and Wild Service Tree (*Sorbus torminalis*). The replacement trees shall be of not less than Nursery Heavy Standard size (12-14cm girth, 3.6-4.25m height), conforming to the specifications of BS 3936 Part I 'Nursery Stock', shall be planted during the tree planting season (October to February) following the occupation of the building(s) or the completion of the development, whichever is

the sooner, and be maintained thereafter to the satisfaction of the local planning authority;

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with policies ENV6 of the Maidstone Borough-wide Local Plan 2000.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) 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 policies ENV6 of the Maidstone Borough-wide Local Plan 2000.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Classes A, B, C and E shall be carried out with the permission of the Local Planning Authority;

Reason: To safeguard the amenity of nearby properties and the appearance of the development in accordance with PPS3.

8. Before the dwelling hereby approved is first occupied, the vehicular access shall be constructed in accordance with the submitted details of Marshalls Tegula blocks using permeable construction as shown on drawing date stamped 27 October 2010

Reason: In the interests of highway safety and in accordance with Policy T13 of the Maidstone Borough Wide Local Plan 2000.

9. The approved details of the parking/turning areas shall be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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 in accordance with policy T13 of the Maidstone Borough-Wide Local Plan 2000.

10. The development hereby permitted shall be constructed in accordance with the external materials as shown on drawing date stamped 27 October 2010;

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with policies ENV6 of the Maidstone Borough-wide Local Plan 2000.

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.

Land adjacent to the retreat, Ware Street, Weaving, Maidstone, Kent, ME14 5LA

Representations

A further representation of objection has been received from a resident re-enforcing their objections to the proposal.

They question how the proposal can be consistent with legislation on 'garden grabbing'; they speak of loss of habitat and an increase in population density and effects of this. Other comments relate to issues of monitoring development once planning permission has been granted.

Cllr Horne has suggested an informative be added with regard to signage on the access track to alert users of the PRoW.

Officer Comment

The neighbour comments have been addressed in my main report. I have taken on board Cllr Horne's comments in my amended recommendation below.

Amended Recommendation

Additional condition and additional informative:

1. All trees shown to be retained on drawing no. 1131/10/3 tree 'Retention and Protection Plan' must be protected by suitable fencing to a height of not less than 1.2metres at a distance as specified in BS 5837 2005. The fencing must be erected before any equipment, machinery and surplus 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 fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor any excavation be made with out 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 Policy ENV6 of the Maidstone Borough-Wide Local Plan 2000.

Informative

The applicant is advised to contact the Kent PRoW Office to discuss the use of signage to warn vehicle users that they may encounter pedestrians on the access track.