

APPLICATION: MA/09/0249 Date: 10 February 2009 Received: 2 March 2009

APPLICANT: Brenchley Homes Ltd

LOCATION: CHARTHURST, CHART ROAD, SUTTON VALENCE, MAIDSTONE, KENT, ME17 3AW

PROPOSAL: Proposed demolition of existing detached house and erection of three, two storey four/five bedroom detached dwellings and associated detached double garages and access (resubmission of MA/07/1471) in accordance with plans 2963/P16 REV C; 2963/P12A REV C; 2963/P10 REV B; 2963/P12 REV B; 2963/P11 REV B; 2963/P19 REV C; 2963/P15 REV B; 2963/P14 REV B; 2963/P18 REV B; 2963/P17 REV B; 2963F/P01; 2963/P13 REV C .

AGENDA DATE: 30th April 2009

CASE OFFICER: Chris Hawkins

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

- it is contrary to views expressed by the Parish Council

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6
Kent & Medway Structure Plan 2006: QL1, QL6, HP4, TP11, TP19
Village Design Statement: N/A
Government Policy: PPS1, PPS3, PPG13, PPG15

HISTORY

MA/06/2202 'Charthurst', Chart Road, Sutton Valence, Maidstone, Kent. Demolition of existing detached house and erection of five, two storey, four bedroom detached houses, including detached or integral double garages, accessed via shared private driveway - Withdrawn.

MA/07/1471 'Charthurst', Chart Road, Sutton Valence, Maidstone, Kent. Proposed demolition of existing detached house and erection of three, two storey four/five bedroom detached dwellings and associated detached double garages and access via shared private driveway - Refused and Appealed. Appeal Dismissed.

CONSULTATIONS

Sutton Valence Parish Council were consulted and objected to this proposal on the following grounds: -

- *"The development is behind the current building line and is considered by the Parish Council to be out of character with the surrounding area. The Parish Council is concerned that should agreement be given to this application it will set a precedent for further planning applications and we do not wish to see an additional tier of buildings behind those on the road frontage.*
- *The Parish Council feel that contrary to PPS3 the design of these buildings appear to be eccentric and lacking a distinctive character.*
- *Finally, the neighbouring property will still suffer with traffic close to their property on two sides."*

REPRESENTATIONS

Neighbouring properties were notified and 5 letters of objection have been received. The main concerns within these letters are:

- The proposal is contrary to policies within the Development Plan;
- The proposal is backland development which is not found within the locality;
- Extra traffic will be generated by the proposal;
- There would be increased saturation to surface water drainage systems;
- The scheme is out of character with the surrounding development;
- The driveway is too close to the boundary with the neighbouring property;
- The proposal would overlook the neighbouring properties (in particular the proposed balconies);
- The position of the bin storage area would be to the detriment of the neighbouring occupiers;
- There is insufficient parking for the proposed dwellings;
- The proposal would result in a significant area of hardstanding;
- The driveway is too narrow;
- Loss of amenity to the neighbouring occupier, in terms of use of their garden;
- The design of plot one is inappropriate;
- The introduction of PVC windows is inappropriate;
- Question marks over the quality of materials to be used within the development.

A site notice was posted on site.

CONSIDERATIONS

Site Description

The site is located within the defined village envelope of Sutton Valence, on the north side of Chart Road. The Greensand Ridge Special Landscape Area (SLA) is immediately south and adjoins the front of the site. (The northern boundary of this SLA runs along the north side of Chart Road). The boundary of the Sutton Valence Conservation Area lies 26m to the east of the site. A public footpath runs along the east boundary of the site leading to open fields to the north.

The site contains a detached two storey dwelling and its associated curtilage comprising an L-shaped piece of land. To the front is a driveway just east of the centre of the site with grassed banks either side. To the rear is a large garden which extends further north and east. The L-shaped site has an area of some 2230m² extending up from Chart Road then eastwards to the rear of the two storey detached property, 'Dunsyl' and a telephone exchange, which is a substantial building. To the west is the dwelling, 'Dolphins', also a detached two storey dwelling. The site represents a 'backland' site wrapping around the rear of existing development.

Within the plot the land does rise significantly, with a rise of approximately 6metres from the highway to the land at the rear. This is a relatively gradual rise, steepest at the very front of the site.

There are a number of trees within the site, the majority of which are located upon the boundaries, although a number are located more centrally. However, it is more the vegetation along the roadside that contributes to the character of the streetscene, giving Chart Road a semi-rural feel. Dwellings on this side of Chart Road are generally set well back from and above the road and are very mixed in style.

Proposal

This application seeks permission to demolish the existing house and construct 3 detached dwellings with associated detached garages. The access road into the site would be 3.1metres wide, and will run approximately 48metres into the rear, where it is proposed that the road turns right at a 90° angle. The access would be on approximately the same line as the existing driveway into the site. The east side of the access would be bounded by a kerb and then a bank landscaped area. The west side would be bounded by a retaining wall some 0.6m in height at the front of the site lowering to 0.45m at the rear of Plot 1 with a grassed bank above.

To the west of the proposed access would be a new detached dwelling. This dwelling would have a maximum width of 8.4metres, a maximum depth of 13.8metres (including bay window) and a maximum height of approximately 9metres. This building would be predominantly constructed of brick, although a mock Tudor section is proposed upon the front elevation, and also an area of timber cladding upon a side projection (at first floor level). This property would be set back approximately 18metres from the road frontage, and would have a rear garden with a depth of approximately 6metres. It is proposed to be set 1.5metres from the side boundary. A detached two bay garage is proposed to the rear of this garden, which would serve this property.

Plot 2 of the proposed development would be located to the north of the bend in the access road, located behind plot 1 in the northwest corner of the site. This is proposed to be a two storey detached dwelling which would have a maximum width of 16.2metres, a maximum depth of 9.8metres (including bay window) and a maximum height of 7.5metres. This dwelling is proposed to have a gable projection upon the front elevation, with the remainder of the first floor accommodated within the roofslope, with the inclusion of three pitched roof dormer windows to serve these rooms. To the rear, a further gable projection is proposed, together with the insertion of two pitched roof dormer windows. A balcony is proposed to be erected upon both front and rear gable projections, at first floor level. This property would be 6.7metres from the western side boundary, and a minimum of 7.4metres from the rear boundary. A detached two bay garage would be erected to the front of the property, adjacent to that proposed for plot 1 (although this garage would be at a slightly higher point due to the changes in level within the site).

Plot 3 would be a very similar design as plot 2 (albeit handed). This dwelling would be set some 6.8metres from the eastern boundary and a minimum of 6.4metres from the rear boundary. A detached two bay garage is proposed to the south-east of the dwelling, which would be 1metre from the southern boundary, and a minimum of 0.8metres from the eastern boundary.

A refuse area is proposed upon the eastern side of the access approximately 10metres from the existing highway. This would allow the residents of these properties to place their bins within a safe location on collection day, and would ensure that refuse vehicles would not need to enter into the site at any point.

Principle of Development

Following the refusal of planning application MA/07/1471, an Appeal was submitted (reference APP/U2235/A/08/2071279) and subsequently dismissed (appended to this report). However, the principle of development within the site was not dismissed, with the Inspector stating that whilst no other backland has taken place within Chart Road, the Local Plan 'contains no policies that presume against backland development.' He then continues to state that 'Planning Policy Statement (PPS) 3: Housing encourages

effective use of land and does not preclude backland development per se. However, PPS3 also says that development should be well integrated with and complement neighbouring buildings and the local area. I consider that the proposal should be judged against this yardstick rather than be either accepted or rejected purely on the basis that it is backland development.

Later within his decision the Inspector concludes by stating 'I would not entirely rule out backland development on this site. It is a location where minor development is accepted and the eclectic nature of Chart Road leads me to view that the pattern of frontage development should not necessarily be sacrosanct.'

The appeal was dismissed on the harm it would cause to the character and appearance of the area and the living conditions of 'Dunsyl' due to the design of that particular scheme. However, it is clear that the principle of development of this site has been accepted, subject to all other material considerations being addressed and the proposal according with Development Plan policies.

Visual Amenity

Of the two grounds for refusal set out within the Inspectors decision letter, one related to the access, which was considered to be detrimental to the character of the area because of the amount of engineering that would be required, due to its proposed width. The previous scheme had an access with a width of 5metres (with an additional path of 1.2metres). This has now been reduced to 3.1metres (the minimum permitted for emergency vehicle access and egress) with a 1.2m wide pedestrian access to the west side. The roadway and path would be finished with tarpaving. This sees an overall reduction in width of the access of 1.9metres, which allows for the provision of a significantly increased level of soft landscaping than was previously proposed.

The previous scheme also saw the introduction of gates upon this access, which was considered to appear rather incongruous within the locality. This feature has subsequently been removed from this scheme, giving a softer, and more low-key entrance to the site.

Whilst the access would still result in a engineering works due to the changes in level at the verge, there has been a reduction in its width and an increase in soft landscaping. With these changes, I consider it would not be detrimental to the character of the area, and as such, the previous ground for refusal, as set out within the Inspectors decision, has been overcome.

With regards to the design of the development itself, the positioning of the dwellings has remained much the same as the previous submission. This would see the erection of a detached dwelling fronting onto Chart Road, with the erection of two detached dwellings to the rear of the site. All properties would also have detached garages sited in close proximity. Plot 1 would clearly be the most prominent of the properties

proposed, by virtue of its position. As stated above, this would be a two storey detached dwelling, which would have a gable projection, and a side projection set off the front elevation. The building is unobtrusive and considered to be in keeping with the surrounding development. As stated within the Inspectors decision letter, the area has an eclectic mix of property styles, and as such it is most important that this proposal be of a suitable size and scale, with fenestration detailing which matches the neighbouring development. It is considered that this proposal does achieve this, responding positively to the pattern, scale and layout of the surrounding area, thereby complying with policy QL1 of the Structure Plan.

The properties to the rear of the site would not be highly visible from the road frontage. Nevertheless it is considered that they are of a suitable design, and scale (being lower than the property to the front), and therefore not dominating the properties fronting Chart Road. When seeking to permit backland development of this nature, it is opined that it should appear as subordinate to the frontage development (in particular in more rural areas/villages this would be the traditional pattern of development), and it is felt that this proposal does achieve this. It should also be noted that the Inspector considered the previous scheme 'would not be overly bulky because the upper floor would be within the roofspace. In addition, they would be some way from the road and therefore unobtrusive in the street scene'. It is not considered that circumstances have significantly altered in the period of time since this view was made.

It is also important that any new development does not include significant levels of hard surfacing. The access road has been kept to a minimum width, and likewise the areas for turning and parking within the site (whilst still providing a sufficient level of parking for housing of this size) have been reduced. However, I still consider the informal parking/turning areas could be reduced further, particularly for Plots 2 and 3 to provide additional soft landscaping, which will be ensured by an appropriate condition. The reduction in hard surfacing pays an improved respect to the character of Chart Road which has a significant level of soft landscaping. I note a small number of trees would be removed, mainly at the rear of the site. However, these trees are not considered to be of any significant merit so their removal would be acceptable.

It is therefore considered that, on balance, this proposal would respond positively to the character and appearance of the area, and as such would comply with the relevant policies within the development plan.

Residential Amenity

The second ground for refusal within the Inspectors decision was that the proposal would have been likely to result in a significant detrimental impact upon the residents of the property at 'Dunsyl' through noise and disruption. This was on the basis that the access road would run around two sides of the garden of this property with a small gap between and no detailed proposals for the treatment alongside the property.

The applicant has attempted to address this matter with the introduction of a significant landscaped buffer (up to 4.3m) along the boundaries with 'Dunsyl'. It is considered that this would ensure that the potential impact upon the amenities of the occupiers of this property would be restricted. This buffer would be in the main 3.5m to 4m in width narrowing around the corner point which, subject to a good level of planting (which would be controlled by condition) would help reduce the impact of noise and disturbance and reduce the impact upon the amenities of the neighbouring occupiers to an acceptable level. I note that there is no proposed solid boundary treatment between the site and 'Dunsyl' and consider a close boarded fence would be required to further reduce any noise and disturbance. This should be erected back in line with the front of 'Dunsyl' to protect amenity and so as to not comprise the openness of the front of the site, and along its rear boundaries and will be ensured by condition.

Concern has been raised about the potential for overlooking from the new properties, to the existing within Chart Road. However, there is a significant distance between these properties (26metres from the front of plot 2, to the rear of 'Dunsyl', and 34metres from the front of plot 3 and the rear of 'Dunsyl'). Within the Inspectors decision, he states that the 'proposed houses on plots number 2 & 3 would be above the level of 'Dunsyl' and its garden. Nevertheless, the upper floor windows would be some 28metres away. Such a distance is commonly found within residential areas. Furthermore, there would be a meaningful gap between the two new properties and the proposed balconies would not be in direct line of sight from the rear of 'Dunsyl'.' Since this decision has been made, it is proposed that additional landscaping be providing along the southern boundary which would further obscure views into the neighbouring property. I would therefore concur with the Inspectors view that the proposal would not give rise to any significant overlooking of this dwelling.

Likewise, due to the separation between the proposed units, and the existing properties, the proposal would not give rise to any significant overshadowing, or the creation of a sense of enclosure to neighbouring dwellings. It is therefore considered that the proposal would not result in any significant harm to the residential amenity of the existing dwellings, and would therefore comply with policy QL1 of the Kent and Medway Structure Plan.

Highways

KCC Highways were consulted under this application and no comments have been received to date. However, I can confirm that the Highways Officer raised no objections to the previous development, and although this proposal does see a reduction in the width of the access, as it is proposed that there be only three dwellings erected, the width (of 3.1metres) is considered to be sufficient for an access of this type.

Visibility on either side of the access to Chart Road is again considered to be acceptable. Conditions will ensure pedestrian visibility at the access in the interest of highway safety.

Parking provision is a double garage for each property (plus informal parking to the front of these garages). As outlined above the informal parking areas to the front of dwellings and garages provide unnecessarily large areas for additional parking, and shall be reduced to provide additional soft landscaping.

It is therefore considered that this proposal does comply with the relevant policies within the development plan, and with PPG13.

Landscaping

The submitted proposal does allow for a significant level of soft landscaping around the access point into the site. Due to the natural changes in levels, this access will have to be cut into part of the ground, however, a strip of 3.8metres can still be provided upon the eastern flank of this access. No details have been submitted with this application with regards to the type of planting proposed however, this would need to be of a high quality, and would need to reflect the existing landscape characteristics within the locality which will be ensured by condition.

To the west of this access the soft landscaping would form part of the garden of plot 1, and as such it is not considered appropriate to strictly control this area. However again, it is important to ensure that the area immediately adjacent to the street reflects the character of the area, and also allows for suitable visibility to be provided.

There are to be a small number of trees removed within the rear site. Whilst I do not, and nor did the Inspector at the appeal, consider these to be of significant merit, it is considered important to ensure that this area sees a suitable level of replacement planting, and as such it is recommended that a condition be imposed to ensure that this be provided.

Impact upon the Conservation Area

As stated above, the proposal would be some 26metres from the boundary of the Conservation Area and as such it is not considered that this proposal would have any significant impact upon the character of this designated area. This was also the view taken by the Inspector when visiting the site.

Conclusion

It is considered that this proposal overcomes the grounds for refusal as set out within the previous appeal decision, and complies with the policies within the Development Plan. It is considered that the proposal makes good use of previously developed land,

whilst respecting the existing grain and pattern of development, and as such it is recommended that Members give this application favourable consideration, and grant planning permission, subject to the imposition of the conditions as set out below.

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 commencement 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 QL1 of the Kent and Medway Structure Plan 2006.

3. The development hereby permitted shall be carried out strictly in accordance with the slab levels shown on the approved drawings;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006.

4. The development shall not commencement until, full details of all fencing, walling and other boundary treatments to be used on the site to include the provision of a 1.8m close-boarded fence set back 20m from the highway along the east and south boundaries of the site with the property 'Dunsyl' have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers in

accordance with Policy QL1 of the Kent and Medway Structure Plan 2006.

5. The facilities for the storage of refuse on the site as shown upon approved plan 2963/P10 shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: In the interests of residential amenity in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006.

6. Pedestrian visibility splays 2.4m x 2.4m with no obstruction over 0.6m above the access footway level shall be provided prior to the commencement of any other development in this application and shall be subsequently maintained;

Reason: In the interests of highway safety in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006.

7. The dwelling(s) shall achieve Level 2 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 2 has been achieved

Reason: To ensure a sustainable and energy efficient form of development in accordance with Policy NR1 of the Kent and Medway Structure Plan 2006.

8. The development shall not commencement until, details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved in writing by the local planning authority;

- i) Details of the roof overhangs;
- ii) Details of windows and doors and recesses/reveals, which shall be a minimum of 100mm;

The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a satisfactory external appearance to the development in the interests of the visual amenity and character of the surrounding area in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006.

9. The development shall not commencement until, details of a scheme of foul and surface water drainage for the site have been submitted to an approved by the local planning authority. The development shall thereafter be carried out in accordance

with the subsequently approved details.

Reason: To ensure adequate drainage arrangements pursuant to policy CF16 of the Maidstone Borough-Wide Local Plan 2000 and policies NR5, NR8 and NR10 of the Kent & Medway Structure Plan 2006.

10. The development shall not commencement until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and to ensure a satisfactory appearance to the development in accordance with policy QL1 of the Kent & Medway Structure Plan 2006.

11. 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 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-Wide Local Plan 2000.

12. Notwithstanding the site layout plan no. 2963/P10 RevB, the development shall not commencement until amended parking details showing a reduction in amount of hard surfacing for informal parking/turning areas has been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details;

Reason: To ensure a satisfactory appearance to the development in accordance with policy QL1 of the Kent & Medway Structure Plan 2006.

Informatives set out below

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 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 Environmental Health Manager regarding noise control requirements.

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.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

Where possible, the developer shall provide the Council and residents with a name of a person and maintain a 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.

In order to minimise the threat of dust pollution during site clearance or construction works, the developer shall ensure that all measures are undertaken (including a watering regime during dry weather) under their control. This shall continue until the works have been completed on site.

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

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

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 Kent and Medway Structure Plan 2006) and there are no overriding material considerations to indicate a refusal of planning consent.