

APPLICATION: MA/09/0674 Date: 21 April 2009 Received: 23 April 2009

APPLICANT: Mr T Davies

LOCATION: LAND AT GLENSIDE, BOXLEY ROAD, WALDERSLADE, CHATHAM, ME5 9JE

PROPOSAL: Retrospective application for the erection of a detached double garage, and alteration to position of roof lights (amendment to planning permission MA/06/2046) as shown on drawing number 1152.105/B received on 23/04/09.

AGENDA DATE: 11th June 2009

CASE OFFICER: Angela Welsford

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: H18, ENV35.
Kent and Medway Structure Plan 2006: QL1.
The South East Plan RSS 2009: CC6, BE1.
Village Design Statement: Not applicable.
Government Policy: PPS1 - Delivering Sustainable Development.
Other: Maidstone Local Development Framework, Residential Extensions Supplementary Planning Document.

HISTORY

08/2215 - Erection of detached double garage to front of property (re-submission of MA/08/0990) APPROVED

08/0990 - Erection of detached double garage (APPROVED)

06/2046 - Erection of one new dwelling (APPROVED)

05/1058/01 - Approval of reserved matters of siting, design and external appearance (REFUSED)

05/1058 - Outline application for erection of a detached dwelling with means of access to be considered at this stage & all other matters reserved for future consideration (APPROVED)

CONSULTATIONS

BOXLEY PARISH COUNCIL – Wished to see application refused. The location of the garage was significantly forward of the building line and it is only 800mm from the boundary of the property which contravenes the recently adopted Residential Extensions SPD. There is also concern that the location of the sky lights meant that there was a loss of privacy in the adjacent property. It was noted that whilst this was a retrospective application the issue of the garage being built in the wrong place was notified to Maidstone Borough Council by Mrs Hinder Borough Councillor at an early stage of the build.

REPRESENTATIONS

NEIGHBOURS: No response received to date.

PLANNING CONSIDERATIONS

Site and Surroundings

The application site is situated on the north east side of Boxley Road, within the defined urban area and also within the Beechen Bank Area of Local Landscape Importance. It contains a recently-erected detached dwelling and, to the fore of that, a detached double garage.

The land generally slopes down from the wooded ridge behind to the highway, although the actual ground upon which the dwelling and garage stand is generally flat. There is also a gentle slope down towards "Glenside", a small bungalow to the north-west (left hand side). The neighbouring property to the south-east (right hand side), "Topsy Turvy", is akin to a chalet bungalow and is set further back into the site (approximately 30m from the highway) and at a higher level than the application dwelling. This part of the urban area is characterised by a mixed street-scene of mainly detached dwellings of differing sizes and styles, with gaps between properties that afford views of the wooded ridge behind. It is also noticeable that many of the garages on this side of the street are positioned in front of their host dwelling's front elevation and forms part of the character of the area.

Relevant History

The site originally formed the side part of the garden of "Glenside". The dwelling that has been constructed was approved under reference MA/06/2046. However, the two rooflights on the south-east elevation have been relocated approximately 385mm further down the roof towards the eaves than approved.

In 2008, planning permission was granted for the erection of a detached double garage to the front of the dwelling (MA/08/0990). A further application later the same year gained approval for a garage in the same position and of the same footprint, but with an altered roof design, (MA/08/2215).

The garage that has been constructed at the site is the design approved under MA/08/2215, but its position is closer to the boundary with "Topsy Turvy" than was approved.

The Proposal

The current application therefore has two elements to it and seeks retrospective planning permission as follows:-

- 1) erection of a detached double garage approximately 740mm further south-east than approved under MA/08/2215; and
- 1) alteration to the position of the rooflights on the south-east elevation of the dwelling, (an amendment to MA/06/2046).

Planning Assessment

The Garage

It is important to note that planning permission has already been granted for a garage in front of the dwelling, of the same design and footprint as that proposed. These principles are therefore established. Consequently, the only issue for consideration with regard to the garage element of the proposal is whether the revised location approximately 740mm closer to the boundary with "Topsy Turvy" causes sufficient harm to justify a refusal of planning permission that could be sustained at appeal.

In my view, in design terms the revised location is actually better than the previously approved one since the drawing shows it to have pulled the north-west facing elevation back in line with the north-west facing elevation of the forward projection of the dwelling and consequently no longer cutting across the line of the porch on the south-west (front) elevation of the house.

The revised position does not make the building any more prominent in the street-scene, nor, in my view does it make it overbearing on the neighbouring dwelling, "Topsy Turvy", or adversely affect its residential amenity in any way, due to the degree of separation (approximately 14m) and the fact that "Topsy Turvy" stands on higher ground.

All in all, I consider the revised location of the garage to be acceptable and do not consider that a refusal of planning permission could be sustained at appeal.

The Rooflights

As before, the principle of having two rooflights on the south-east elevation of the dwelling has already been established by the grant of planning permission MA/06/2046. The only issue for consideration, therefore, is whether the lowering of these approximately 385mm further down the roofslope towards the eaves has caused

sufficient harm to justify a refusal of planning permission that could be sustained at appeal.

The neighbouring dwelling, "Topsy Turvy", does have openings in the facing flank elevation. However, views from the rooflight closest to the main roof of the dwelling would be obstructed by that roofslope, and views from the other would not result in significant overlooking of any of those openings due to the angle of view occasioned by the set-back of "Topsy Turvy" and also the dense established nature of the vegetation on the common boundary. Views across the front garden/driveway of "Topsy Turvy" would not result in a significant loss of privacy sufficient to justify refusal. In addition, the rooflights serve en-suite bathrooms, which are not habitable rooms in any case.

In summary, therefore, I do not consider that the lowering of the rooflights has resulted in an unacceptable impact on the amenity of the occupiers of "Topsy Turvy".

Conclusion

Taking all of the above into consideration, both elements of the proposal are considered to comply with Development Plan policy and there are no overriding material considerations to indicate a refusal. Consequently, I recommend approval with conditions as set out below.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (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 H18 of the Maidstone Borough-Wide Local Plan 2000.

Informatives set out below

You are reminded that all conditions relating to planning permission MA/06/2046 remain in force and need to be complied with.

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.