

APPLICATION: MA/12/2138 Date: 26 November 2012 Received: 26 November 2012

APPLICANT: Mr L Beeken

LOCATION: 33, REEVES CLOSE, STAPLEHURST, TONBRIDGE, KENT, TN12 0NN

PARISH: Staplehurst

PROPOSAL: Erection of an attached new dwelling as shown on drawing no.s REEVES/60 Rev A, REEVES/61 Rev A, REEVES/62 Rev A and REEVES/01 received on 26/11/12.

AGENDA DATE: 14th March 2013

CASE OFFICER: Louise Welsford

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

- It is contrary to the views expressed by the Parish Council

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: H28, T13.
South East Plan 2009: BE1, BE5, CC1, CC4, CC6, H1, H5, T4, NRM5.
Government Policy: National Planning Policy Framework.

2. HISTORY

MA/12/0898N Two storey side extension – Approved.
MA/74/0172 Residential development of estate – Approved.

3. CONSULTATIONS

3.1 Staplehurst Parish Council:

“Councillors remarked that the proposal would adversely affect the light and openness of the area by creating terraced houses in a semi-detached location. They observed that parking problems would be exacerbated by a combination of additional cars and reduced on-road space. Expressing sympathy with views submitted in public forum, they agreed to recommend REFUSAL and requested that it be reported to MBC Planning Committee”.

3.2 Kent Highways: No objections. Recommend visibility conditions.

3.3 **Environmental Health Manager:** No objections. Recommends informatives.

3.4 **Landscape Officer:** No objections. Recommends a standard landscaping condition.

4. REPRESENTATIONS

4.1 Representations have been received from 2 neighbouring properties. These raise the issues of:

- parking and access
- loss of privacy
- loss of light
- not in keeping, including terracing out of place
- density
- insufficient infrastructure
- loss of openness of corner
- loss of property value

5. CONSIDERATIONS

5.1 Site Description

5.1.1 This application relates to a residential plot containing a semi-detached dwelling. The dwelling is constructed of brick and white boarding, under a concrete tiled roof.

5.1.2 The site is located within the village settlement boundary of Staplehurst, upon a corner plot, at a bend in Reeves Close. To the east of the subject dwelling is a grass verge containing a tree, between the pavement and road. To the south of the site, the building line staggers westwards as it travels southwards, whilst the building line to the eastern side of the road, opposite the site, is more regular. To the north of the site, upon the opposite corner of the road, lies a terrace of dwellings, which is sited further eastwards than the existing dwelling on site.

5.1.3 The surroundings are residential in character, with the streetscene being mainly characterised by semi-detached dwellings, although it does contain a terrace of six dwellings (this being to the north of the site). However, this close is part of a larger estate, and in the wider surroundings there is a mixture of detached, semi detached and terraced dwellings. Whilst semi-detached properties are prevalent in the street, in my view, terracing is part of the established character of this part of Staplehurst village, as seen in the wider context.

5.1.4 Reeves Close is a cul-de-sac, with no on-street parking restrictions.

5.2 Relevant Planning History

5.2.1 It is noted that there is an extant planning permission for the erection of a two storey side extension (including front extension to number 33 and new front porch roof to number 34) under reference MA/12/0898.

5.2.2 The permitted extension was approximately 4.4m in width, which is only approximately 0.3m less than the width of this proposal. This extant permission is a strong material consideration in relation to this proposal, as it was of a similar scale and bulk to the current proposal, although the current scheme, must, of course, be assessed upon its own merits.

5.3 Proposal

5.3.1 Planning permission is sought for the erection of an attached dwelling. The existing dwelling is semi-detached and the proposal would result in the existing pair of semi's becoming a terrace of three instead.

5.3.2 The dwelling would be of the same depth and height as the existing pair, and it would be approximately 4.7m in width, with a small, flat roofed porch to the front elevation, similar to those of the existing pair. The dwelling would be set in by approximately 3.8m from the eastern boundary of its curtilage and in the region of 7-8m from where the grass verge meets the road to the east.

5.4 Principle of Development

5.4.1 This proposal relates to an area of garden land. Under PPS3, garden land ceased to be classified as brownfield land and the National Planning Policy Framework maintains that stance. Accordingly, it does not follow that the principle of residential development on this site is automatically acceptable due to its location upon garden land. However, the site lies within the village settlement boundary of Staplehurst and Policy H28 of the Maidstone Borough-Wide Local Plan 2000 allows for new minor residential development within the village boundary, in addition to site allocations.

5.4.2 The NPPF states, in paragraph 14 that "at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development.....". In my opinion, this site is a sustainable location for residential development. Staplehurst village contains good public transport links, including a main line train station and bus routes, plus other facilities, such as school, shops and employment opportunities. The Design & Access Statement gives the following distances to transport links and facilities:-

Train Station	0.6miles
Bus Stop	0.3miles
Playing Fields	0.1miles
School	0.3miles
Village Centre	0.5miles.

5.4.3 I conclude that the principle of residential development upon this site is acceptable. However, a number of key issues must still be assessed, including the impacts upon visual and residential amenity and highways implications.

5.5 Visual Impact

5.5.1 The site is part of a large circa 1970s estate, with the area comprising a mixture of detached, semi-detached and terraced properties. Whilst semi-detached properties are generally prevalent, terracing is part of the surrounding character and there are terraces to the south, in Pope Drive and a terrace to the north of the site, within Reeves Close. To my mind, a terrace is not out of character with what one might expect to see in this location and the introduction of terracing here would be in keeping with the wider surroundings.

5.5.2 In terms of the layout of Reeves Close, the eastern side of the road is made up wholly of semi-detached properties, of a fairly regular building line. However, to the western (site) side of the road, there is less uniformity. To the south of the site there are three pairs of semi-detached dwellings with a staggered building line. The northernmost pair is sited significantly further eastwards than the southernmost pair. To the north of the site, (to the opposite corner) lies a terrace of six dwellings.

5.5.3 Visually, this is a sensitive site, being a corner plot. However, as the building line is already staggered (as described above), the addition of an attached dwelling in this location would continue this staggered pattern and would not appear out of character. Importantly, the proposal would retain a gap of approximately 3.8m to the site boundary and in the region of 7-8m to the road. This substantial gap would ensure that the proposal is not overly prominent in the streetscene, especially given that a gap of approximately 12m would remain to the nearest dwelling to the south. The substantial gap remaining to the corner would also ensure that the openness of the corner is maintained, which is important for such a plot. Sufficient space would remain to give a soft edge to the development. (see landscaping details in section 5.8).

5.5.4 Furthermore, the terrace to the north is also sited further eastwards, towards the corner, than the existing dwelling on site. It is noted also that number 1 has been extended to the side at two storey level upon a corner plot and the

remaining space to the corner resulting from this proposal would not be out of character with corner plots in the vicinity.

- 5.5.5 Moreover, there is an extent permission (reference MA/12/0898) for a two storey side extension upon the site, which would be of a similar scale to the proposed dwelling. The extent permission gives a building of only approximately 0.2m lower in ridge height and approximately 0.3m less in width. This is a strong material consideration in the determination of this application.
- 5.5.6 The size of the resultant block of three dwellings would be in keeping with the general character of the wider surroundings. Relatively wide blocks – whether terraces or extended semi-detached properties - are not an unusual feature of the surrounding area and the mass of the development would not, therefore, appear out of place. The plot sizes would also not be significantly out of keeping with the surroundings and the density is also considered appropriate in these surroundings, considering the plot sizes.
- 5.5.7 The design of the new dwelling would be in keeping with the existing pair, and it would be constructed of red brick, white boarding and concrete roof tiles to match. As this is a corner plot, it is important that the flank elevation has a satisfactory visual appearance in the street, and this would be achieved through the use of flank windows, which would break up the blandness of the brickwork.

5.6 Residential Amenity

- 5.6.1 In terms of light and outlook, the proposal would be sited where it would not cause a significant loss of light to, overshadowing of, or overbearing impact upon, any neighbouring property, as it would be sited alongside number 33, with sufficient separation distance to surrounding properties. Number 34 have objected upon the grounds of loss of light, but the main part of the dwelling would be in line with number 34 and also further from it than the existing number 33, so there would be no significant adverse impact in this regard.
- 5.6.2 With regards to privacy, there would be sufficient separation distances to the north and east. (Properties to the north and east are separated from the site by the road). Number 32, to the south, does have flank fenestration facing the site, but the views gained would be slightly oblique and over a distance of a minimum of approximately 12m and views would be less direct than those from the existing dwelling on site. Moreover, the extent permission also allowed for fenestration with such a relationship. Number 34 have objected upon the grounds of privacy, but the new dwelling would only give oblique views towards number 34 and this relationship is as very commonly found in rows of dwellings.

5.6.3 The access arrangements have been laid out such as to prevent significant noise and disturbance from traffic movements for any property.

5.7 Highways

5.7.1 Objections have been received upon the grounds of parking and access.

5.7.2 In total, three parking spaces are proposed for the two dwellings. A new parking space would be created to the front garden of number 33 to serve the existing dwelling, and the existing rear parking space and garage would be re-allocated to the new dwelling.

5.7.3 Reeves Close is not a through route, and has no on-street parking restrictions. It also lies in a 30mph speed limit. The Kent Highways Engineer has been consulted and is satisfied that the extent of parking proposed is sufficient and that it would not lead to any highway safety problems. Being a cul-de-sac, the nature, frequency and volume of traffic would be of lower impact than a through route. As the development provides sufficient parking to the satisfaction of the Highways Engineer, it would be unreasonable to refuse permission against this advice.

5.7.4 Moreover, this is a sustainable village location, with good public transport links and other modes of transport could therefore also be used.

5.7.5 The Highways Engineer suggest conditions to secure adequate visibility and these are considered appropriate.

5.8 Landscaping

5.8.1 There is an existing tree to the front garden which is shown to be removed and replaced. The Landscape Officer and I are both of the view that this tree is of poor condition and that its replacement is appropriate and could secure a more suitable species which would be likely to have a longer lifespan. One new parking space is proposed to the frontage, but this is not out of character with the surroundings and indeed many nearby properties have much larger expanses of hard surfacing to their frontage.

5.8.2 Importantly, the scheme would retain a soft edge to the corner, with the existing established hedge being retained to the eastern boundary. A small section would require removal in order to provide the required visibility splay, but this would not be significant. Fencing is shown to be sited behind the existing mature hedge, which would soften its appearance and ensure that it would not be an obtrusive feature within the area.

5.8.3 The existing tree to the verge upon the corner (outside of the site) would also be retained, which would further emphasize the green edge to the development.

5.9 Other Matters

5.9.1 In terms of ecology, this site is a maintained residential garden, which lies within a built up environment. It is not considered to be of any high ecological value. The existing hedge would be predominantly retained and the existing tree is considered too small and young to be of value to bats.

5.9.2 The application advises that Level 3 of the Code for Sustainable Homes would be sought and this would ensure a suitable level of sustainability.

5.9.3 Loss of property value is not a material planning consideration.

5.9.4 Due to the fact that only one new dwelling is sought, there is not considered to be a significant increase in use of infrastructure or need for it.

5.9.5 I propose to attach a condition to remove appropriate permitted development rights, to ensure that the openness and soft edge to the corner can be retained.

6. CONCLUSION

6.1 The proposal would preserve the visual amenity of the streetscene and would be in keeping with the character of the surroundings. It would preserve residential amenity and is not considered to give rise to significant highway safety issues.

6.2 I recommend approval.

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 shall not commence until samples of the materials to be used in the construction of the external surfaces of the development 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 and to preserve the character and appearance of the locality in accordance with Policies BE1 and CC6 of the South East Regional Plan 2009 and the advice in the National Planning Policy Framework.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no development within Schedule 2, Part 1 Classes A, B, E & F and Part 2 Class A shall be carried out without the permission of the local planning authority.

Reason: To safeguard the character and appearance of the locality, in accordance with Policies BE1 and CC6 of the South East Regional Plan 2009 and the advice in the National Planning Policy Framework.

4. No development shall take place 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 details of the 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 and shall include details of all hard landscaping, and shall show the retention of hedging to the eastern boundary;

Reason: No details have been submitted and to ensure a satisfactory appearance to the development, and in the interests of highway safety, in accordance with Policies BE1, CC1 and CC6 of the South East Regional Plan 2009 and the advice in the National Planning Policy Framework.

5. 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 first use of the dwelling hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of ten 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 BE1 and CC6 of the South East Regional Plan 2009 and the advice in the National Planning Policy Framework.

6. No development shall take place until an independently verified report has been submitted to and approved in writing by the Local Planning Authority showing that the development achieves a score of Level 3 or better for each residential unit under 'The Code for Sustainable Homes'. Each residential unit shall be provided strictly in accordance with the approved report before it is occupied.
Reason: To ensure a sustainable and energy efficient form of development in accordance with Policies BE1 and CC4 of the South East Regional Plan 2009 and the advice in the National Planning Policy Framework.
7. Before the development hereby permitted is first occupied, the proposed bathroom window to the east elevation (shown on drawing no. REEVES/61 Rev A) shall be obscure glazed and shall be subsequently be maintained as such to the satisfaction of the Local Planning Authority;

Reason: To provide a satisfactory living environment for the occupiers of the new dwelling, in accordance with accordance with Policy BE1 of the South East Regional Plan 2009 and the advice in the National Planning Policy Framework.
8. The development hereby permitted shall be carried out in accordance with the following approved plans:
REEVES/60 Rev A, REEVES/61 Rev A, REEVES/62 Rev A and REEVES/01 received on 26/11/12.
Reason: To ensure a satisfactory appearance to the development and to preserve the character and appearance of the locality, in accordance with Policies BE1 and CC6 of the South East Regional Plan 2009 and the advice in the National Planning Policy Framework.
9. The development shall not commence until a scaled drawing showing the provision of 2m x 2m pedestrian visibility splays behind the footway on both sides of the new access and a 2m x 2m visibility splay on the northern side of the existing access has been submitted to and approved in writing by, the Local Planning Authority. The approved visibility splays shall be provided with no obstruction over 0.6m above footway level prior to the first use of the dwelling hereby permitted and subsequently maintained;
Reason: In the interests of highway safety, accordance with Policy CC1 of the South East Regional Plan 2009 and the advice in the National Planning Policy Framework.
10. The development shall not commence until, details of all fencing, walling and other boundary treatments have 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 before the first occupation of the building(s) or land and maintained thereafter;
Reason: To ensure a satisfactory setting and external appearance to the

development, in accordance with Policies BE1 and CC6 of the South East Regional Plan 2009 and the advice in the National Planning Policy Framework.

Informatives set out below

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:1997 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 EHM regarding noise control requirements.

Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the EHM.

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.

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

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

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 08458 247800) in order to obtain the necessary Application Pack.

The applicant should be aware that the site is in a radon affected area with a 3-5% probability of elevated radon concentrations. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and

refurbishments (BRE 1999, 2001, AND 2007). If the probability rises to 10% or more, provision for further preventative measures are required in new houses. Test(s) for the presence of radon gas are recommended to be carried out. Further information can be obtained from the Health Protection Agency.

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 is advisable. 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.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was acceptable as submitted and no further assistance was required.

The application was approved without delay.

The applicant/agent was provided with pre-application advice.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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.