

APPLICATION: MA/09/1488 Date: 15 August 2009 Received: 18 August 2009  
APPLICANT: Mr & Mrs M & S Warrington  
LOCATION: 4A, ALLINGTON WAY, MAIDSTONE, KENT, ME16 0HJ  
PROPOSAL: Retrospective application for the erection of a detached dwelling. (Resubmission of planning approval MA/08/0158) as shown on 4 unnumbered drawings, code for sustainable homes pre-assessment and landscape schedule received on 18/8/09.  
AGENDA DATE: 24th September 2009  
CASE OFFICER: Peter Hockney

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

- Councillors Malcolm Robertson and Dan Daley have requested it be reported for the reason set out in the report

### **POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6  
South East Plan 2009: CC1, H4, H5, M1, BE5  
Government Policy: PPS1, PPS3, PPG13

### **HISTORY AND BACKGROUND**

MA/08/0839 – Erection of 1(no) detached dwelling and garage and detached garage for existing property (Resubmission of MA/08/0158) – REFUSED – APPEAL DISMISSED.

MA/08/0158 – Erection of 1(no) detached dwelling, detached garage and associated parking – APPROVED WITH CONDITIONS.

The erection of a single dwelling was approved under MA/08/0158. Following this permission a revised scheme (MA/08/0839) that included the erection of a garage that projected forward of the permitted dwelling was refused. The refused application was appealed where the Planning Inspectorate agreed that the forward projection of the garage would result in a detrimental impact on the street scene.

### **CONSULTATIONS AND REPRESENTATIONS**

**2 letters** of objection have been received on the following grounds:-

- The dwelling would be an incongruous feature in the street scene.
- Increase in on street car parking.

**Cllr Malcolm Robertson** requests that if officers are minded to approve the application, it should be reported to planning committee for the reasons set out below.

"This is a small and constrained site. An application at this site for a development with a garage was refused. The approved development MA/08/0158 is harmonious with the rhythm of the streetscene, albeit a small dwelling. This proposal is not. The steeply pitched roof and the lowered eaves give the impression of a 'dolls house' squeezed in. The large roof area is too dominant. There is a need for consistency. Past proposals at *17 Allington Way* have been refused on similar grounds of principle and upheld at appeal. The current application at No 17 – MA/09/1032 – has been refused. I have also received an unsolicited objection from a resident at *38 Allington Way*. My fellow councillor, Dan Daley, is in concurrence. I attach an e-mail."

**Cllr Dan Daley** states:-

"The original 'fitted in' with the street scene in a marked way with the roof lines and the ridges etc. but this change makes it look like a doll's house in comparison and does not fit in in any way."

### **SITE LOCATION AND DESCRIPTION**

The application site relates to a plot of land between two pairs of semi detached dwellings in the urban area of Maidstone, Allington Ward. The combination of the pair of semi detached dwellings to the north east form a corner plot at the junction of Allington Way and Trenton Close.

There is a copper beech tree in the rear garden of the neighbouring property, 4 Allington Way, that is covered by TPO 30 of 2008.

The surrounding area is wholly residential in nature and there are a number of other infill houses that have been built in the immediate area for example at numbers 23, 35, 37, 39 Allington Way as well as the other side of the corner plot at 1 Trenton Close.

However, there are recent Inspectors' Decisions dismissing an appeal for an outline application for a single dwelling at number 17 Allington Way, MA/06/1769, and later a full application under MA/08/0926 on the grounds of the visual impact on the street scene from a cramped style of development. More recently MA/09/1032 for a full application was refused under Delegated Powers.

## **PROPOSED DEVELOPMENT**

The application is for the erection of a single dwelling being an alternative design to that permitted under MA/08/0158. The differences in the design from the approved scheme are outlined below.

- The dwelling has been cut into the ground by approximately 300mm.
- The eaves height of the dwelling has been reduced from 5.2 metres from the natural ground level to 4.5 metres above the reduced ground level.
- The ridge height remains the same i.e. 8.2 metres above the natural ground level and 8.5 metres above the reduced ground level but the pitch of the roof has increased from 35° to 45°. This has allowed the use of the roofspace for additional living accommodation served by three velux windows in the roofslope to the front elevation.
- The roof over the rear projection now has a gable end as opposed to the hipped end previously approved. The projection also includes the revised eaves heights of the main dwelling outlined above.
- The dwelling would include the installation of a photo-voltaic panel to the roof of the rear projection and a thermal panel to the rear of the main roof.

## **PRINCIPLE OF DEVELOPMENT**

The site is previously developed land within the urban area and therefore the principle of residential development is acceptable and conforms to national and local policies on new residential development.

The existence of the extant consent, MA/08/0158 confirms this view.

The main considerations in this case are whether the alterations from the approved scheme have an unacceptable impact on the street scene or the level of amenity enjoyed by neighbouring occupiers.

## **DESIGN AND VISUAL IMPACT**

The general style and the design of the dwelling would be as approved under MA/08/0158. There are a number of relatively minor changes that have the potential to change the impact on the street scene.

The footprint of the dwelling remains as approved under MA/08/0158. This would maintain the approved spacing between the proposed dwelling and the neighbouring properties at 4 and 6 Allington Way as well as the set back from the carriageway of Allington Way.

The eaves line would not match that of the neighbouring properties, particularly 6 Allington Way. The ridge height of the dwelling would remain the same and would match that of 6 Allington Way. This would result in a steeper pitch that would allow the roof accommodation to be used as a bedroom. The lower eaves height of the dwelling and the steeper pitch to the roof would not result in a development that would cause significant to the harm the character and appearance of the street scene.

The insertion of velux windows to the front roof slope would not result in any material harm to the street scene and is something that can be installed into properties under permitted development without the need for planning permission.

The fact that the development is cut into the ground by 300mm is not significant and would not be of detriment to the street scene. The proposed landscaping and driveway to the front of the site would mean that the lower ground level would be obscured from passing views.

The current application differs from that at 17 Allington Way, where appeals have been won and a recent application has been refused, in a number of ways. The layout of the proposed development critically follows the building line of Allington Way whilst ensuring the sweeping nature of the corner is maintained. The size of the site is larger than that of 17 Allington Way and a more significant difference between the sites is that number 17 is set 18m back from the edge of the footpath whilst number 4 is set 12m back from the footpath. The Inspector concluded that in order to maintain the building line for the dwelling at number 17 it would have to be set far back in the site leading to a visually cramped development. The distance of 12 metres to the footpath means that the proposed dwelling can be situated further forward in the plot preventing a cramped appearance whilst maintaining the building line.

## **IMPACT ON RESIDENTIAL AMENITY**

The reduction of the eaves height of the dwelling has the result of reducing the bulk of the dwelling, particularly when viewed from the side. If anything, this alteration would

have an improved affect on the residential amenity of the occupiers of 4 and 6 Allington Way.

The footprint of the proposed dwelling would remain as approved and therefore would not project further back into the site. This would prevent any overwhelming impact or loss of light to neighbouring occupiers.

The first and second floor windows in the flank elevation facing 6 Allington Way would serve the staircase and would be obscure glazed and fixed shut other than a high level opening fan light. This would ensure that the level of privacy enjoyed by the occupiers of 6 Allington Way would be maintained.

The window at first floor level facing 4 Allington Way would serve a shower room and would be obscure glazed and fixed shut other than a high level opening fan light. This would ensure that the level of privacy enjoyed by the occupiers of 4 Allington Way would be maintained.

### **OTHER CONSIDERATIONS**

The position of the access is the same as the approved dwelling and there are two parking spaces proposed. This level is adequate for the edge of town location and would not result in a hazardous impact on highway safety.

The changes proposed, including the installation of photo-voltaic panels has enabled the dwelling to achieve a level 3 on the Code for Sustainable Homes. There is also a rainwater harvesting system proposed for installation to assist in the achievement of this level. A condition is recommended to ensure that this level is met.

The proposed development would be undertaken without any damage to the Copper Beech tree located in the neighbouring garden covered by a TPO. The proposed frontage landscaping would include a wild cherry tree and shrub planting in the front garden.

Overall I consider that the amended design is acceptable and recommend approval.

### **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. Prior to the commencement of the development, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted shall be 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 policies H5 and BE1 of the South East Plan (2009).

3. All planting, seeding or turfing comprised in the approved details of landscaping shown on submitted drawing and accompanying landscaping schedule shall be carried out in the first planting and seeding seasons following the occupation of the building 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) and H5 and BE1 of the South East Plan (2009).

4. 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 and F to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area in accordance with policies H5 and BE1 of the South East Plan (2009).

5. The dwelling shall achieve Level 2 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 2 has been achieved;

Reason: To ensure a sustainable and energy efficient form of development in accordance with Policy M1 of the South East Plan (2009), Kent Design Guide 2000 and PPS1.

**Informatives set out below**

No burning shall occur on 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 South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.