

APPLICATION: MA/09/0942 Date: 3 June 2009 Received: 23 July 2009

APPLICANT: Mr S Beg, Beg & Butcher

LOCATION: THE DELL, QUEENS ROAD, MAIDSTONE, KENT, ME16 0JG

PROPOSAL: Erection of two dwellings with new access off Queens Road and Greenwich Close and alteration to existing dwelling as shown on drawing numbers 2430/P/01, 2430/02, 2430/03 Rev A, 2430/04, 2430/05 Rev A, 2430/06, 2430/P/07, 2430/08, 2430/09, 2430/10 Rev A, 2430/11, 2430/12 Rev A, 2430/13, 2430/14 Rev A and 2430/15 and arboricultural appraisal received on 8/6/09 and as amended by additional document being bat survey received on 23/7/09.

AGENDA DATE: 15th October 2009

CASE OFFICER: Peter Hockney

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

- Councillor Brian Moss has requested it be reported for the reason set out in the report

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, T13
South East Plan 2009: CC1, CC4, H4, H5, W2, M1, BE1, NRM5
Government Policy: PPS1, PPS3

HISTORY

MA/03/2059 – Outline application for the erection of a four bedroom house with all matters reserved for future consideration except siting and means of access – REFUSED.

CONSULTATIONS

Natural England raise no objections to the development subject to the imposition of a condition requiring a mitigation strategy for bats.

Kent Wildlife Trust raises no objections to the application subject to the mitigation measures in the report being carried out.

Kent Highway Services raise no objections to the application on highway matters and state that there would be no harm to highway safety and that the level of car parking proposed is acceptable.

MBC Landscape Officer has studied the submitted tree survey and recommends that the application be APPROVED subject to a detailed landscape condition.

REPRESENTATIONS

Cllr Brian Moss has called the application to committee if officers are minded to approve the application on the following grounds:-

- "Loss of amenity in terms of visual view of the site as a whole when viewed from front, side or rear elevations.
- Loss of mature and valuable trees.
- Degradation of the street scene in an area which consists of detached, architect designed houses of distinct appearance set in appropriate areas of garden to suit their standard of build.
- Over-cramming of the site.
- Difficulty of access, and particularly the safety aspect of extra vehicles exiting on to Queen's road at a point where the sight lines are already difficult due to the curvature of the road."

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

- The creation of dangerous accesses.
- The loss of trees on the site.
- Cramped form of development.
- Loss of privacy.
- Loss of light.
- Congestion and disturbance during construction.
- Lack of off street car parking.
- Impact on bats, owls and birdlife of the area.
- Concern regarding sewerage disposal from the completed development.

SITE LOCATION AND DESCRIPTION

The application site comprises a detached property, 'The Dell', located on the junction of Queens Road and Greenwich Close. The site is within the urban area of Maidstone and has access onto Queens Road.

The surrounding area is mixed in character with most of the properties in the area being detached dwellings of varying styles. The development in Warden Close being constructed in the late 50s early 60s, The Spires being built in the 1960s and the

dwellings in Greenwich Close being built in the 1970s. The properties in Queens Road mainly date from earlier.

The overriding character of Queens Road is that the frontages of properties are set back from the road a significant distances. There is a variety of building lines within Queens Road as the street evolves and changes through its curvature.

There are a number of trees on the site (59 in total with five additional groups of trees). These species include Corsican Pine, Western Red Cedar, Poplar, Norway Maple, Cypress, Cherry, Beech, Holly, Ash, Yew and Sycamore. Some of the trees along Queens Road and Greenwich Close are covered by tree preservation orders. The site slopes down from Queens Road with the dwelling of 'The Dell' approximately 1.5 metres lower than Queens Road and the land falling further towards the boundary with 'Little Foxes' an overall slope of between 3 and 4 metres.

PROPOSED DEVELOPMENT

The application is a full application for the erection of two detached dwellings, one either side of 'The Dell' within the garden. There would be alterations proposed to 'The Dell' with the existing vehicular access being closed and two new accesses onto Queens Road and an access onto Greenwich Close. I will refer to the dwelling to the south west of 'The Dell' as plot 1 and the dwelling to the north east as plot 2.

The dwellings would be four bedroom properties and approximately 5 metres to eaves and 8 metres to ridge. They would be two storey in nature and act as subordinate features either side of 'The Dell'. The materials used would be predominantly facing brickwork to the walls with a feature gable finished with Kent peg tiling under a tiled roof. The dwellings would be cut into the ground and would be approximately 2.25 metres lower than the level of Queens Road.

Each new property would have two off street car parking spaces as would the retained dwelling of 'The Dell'.

BACKGROUND

Members will note from the history section that application MA/03/2059, an outline application for a single dwelling with siting and means of access to be considered was refused. The reasons for refusal are set out in full below:-

1. "The proposal would result in a cramped form of development which would be out of keeping with the more spacious plots of adjacent properties and would therefore be detrimental to the street scene and the general character of the area, contrary to policies ENV2 and H20 of the Maidstone Borough-Wide Local Plan 2000 and policy ENV15 of the Kent Structure Plan 1996.

1. "The proposed development would result in the loss of at least one tree and potential damage to other trees which are protected by Tree Preservation Order No 12 of 2004 and which make an important contribution to the character of the area, contrary to policies ENV2 and ENV5 of the Maidstone Borough-Wide Local Plan 2000 and policy ENV15 of the Kent Structure Plan 1996."

The refused application proposed a dwelling that would have been located in the rear garden of 'The Dell' and fronted Greenwich Close. The dwelling would have projected over two metres in front of the adjacent property with a gap of less than 3 metres between the properties and would have led to the loss of a number of protected trees. This application proposes dwellings that front Queens Road that would maintain a separation distance of approximately 20 metres between plot 2 and 'Little Foxes'. In addition a tree survey has been undertaken and seeks to retain the majority of the trees on the site. The two schemes are fundamentally different and the refusal of MA/03/2059 does not automatically mean the current proposal should fail.

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 previous outline application MA/03/2059 that was refused for the reasons given above did not contain a reason for refusal regarding the principle of residential development on the site.

The reasons for refusal on the MA/03/2059 centred around the development being cramped, leaving little space around the dwelling and not relating to the context of the area, particularly the immediately adjacent property of 'Little Foxes'. It would therefore have been out of keeping with the area. The loss of protected trees on the site was the second reason for refusal and these are the main issues for consideration.

VISUAL IMPACT

The proposed dwellings would be set back from the boundary with Queens Road by a minimum of 10.5 metres for plot 1 and approximately 13.5 metres for plot 2. This set back would be comparable to that of 'The Dell' and other dwellings within Queens Road. The majority of the existing trees on the Queens Road frontage would be retained through the scheme and would maintain the soft edge to Queens Road and would not result in demonstrable harm to the character of the area.

In addition to the set back, the dwellings would be at a considerably lower level than Queens Road approximately 2.25 metres. The set back and the lower level would ensure that the dwellings would not dominate views from Queens Road. The dwellings

would be lower in height than properties 'The Dell' and 'Delpark' but would not be so different in scale to look out of character or cramped into the site.

The dwelling at plot 2 would be close to the boundary with the footpath of Greenwich Close approximately 1.5 metres at its nearest point. This distance would be slightly less (approximately 400mm) than the distance between the flank wall of St Petroc (the property on the other side of Greenwich Close at the junction with Queens Road) and the boundary with the footpath of Greenwich Close on that side of the road. This comparable separation distance would ensure that no harm the character of the entrance to Greenwich Close would occur from the location of this dwelling.

In comparison to the previously refused application the proposed dwellings the fundamental change is that the dwellings would now front Queens Road rather than Greenwich Close. This allows for the creation of larger plots with greater spacing around them as well as the retention of a greater number of trees. The proposed dwellings would be located in adequately sized plots that would not appear too narrow for the properties. The set back from Queens Road is significant and maintains a key feature of the street as well as ensuring that the dwellings would not appear prominent. This is unlike the refused application where the encroachment towards the carriageway of Greenwich Close and projection in front of the adjacent dwelling would have emphasised the development and its small plot size and cramped appearance. The dwellings would fit in with and complement the established property of 'The Dell' whereas the refused property would have looked disjointed and unrelated to its neighbouring property of 'Little Foxes'.

Overall there would be no visual harm caused by the development and the character of the area would be maintained.

IMPACT ON TREES

The application has been accompanied by an arboricultural survey that has assessed the quality of the trees and has been used to shape the scheme. The survey identifies 29 individual trees that are to be removed as well as three groups of trees. These are all identified as Category C trees and are not significant as specimens. The illustrative locations of replacement standard and heavy standard trees indicates 16 replacement trees to be planted. Whilst there would be a significant number of trees lost I consider that those to be retained (with appropriate protection measures) and replacement trees, which would be required by a landscape condition would be sufficient to ensure that the green character of the site is maintained and it would continue to fulfil this role in the future. The trees to be lost are not themselves good enough specimens to warrant a reason for refusal. The landscape officer has inspected the site and assessed the arboricultural report and agrees with the findings recommending approval for the scheme.

The dwelling that was refused under MA/03/2059 was to be located adjacent to 'Little Foxes', would not have related well to the pattern of development in the area. It would have fronted onto Greenwich Close and with a set back of less than 9 metres would have projected forward of 'Little Foxes' and created an awkward looking development unrelated to its surroundings. The proposal would have also led to the loss of a significant number of trees along the Greenwich Close frontage fundamentally altering the character of the area.

Overall, I consider that the current proposal would not result in a cramped appearance, it would maintain the overriding character of the area by maintaining the set back from Queens Road and the soft edges to the site. It would not result in a loss of any trees that are of high quality and the replacement trees would be of greater benefit.

IMPACT ON RESIDENTIAL AMENITY

The proposed dwellings would overlook the rear garden of neighbouring properties, in particular that of 'Little Foxes', however, there would be no views into habitable room windows or into private areas of gardens, typically adjacent to the house. The distance between plot 1 and the most private area of 'Little Foxes' garden would be approximately 35 metres with 'The Dell' and plot 2 being approximately 25 metres from the private area of garden. The boundary between the site and 'Little Foxes' would remain densely covered with trees, which would screen views from the new dwellings and from 'The Dell'. I do not consider that any significant loss of privacy would occur that could justify refusal.

The position of the dwellings and the separation distances to other properties are such that they would not cause a loss of light to any nearby occupiers. These distances would also ensure that there would be no overwhelming impact from the development.

The access points would not be in such a position that their use would cause disturbance from their use.

The objection raised regarding the congestion and disturbance that would be caused during construction is not a matter that can be taken into consideration in determining this application.

HIGHWAY CONSIDERATIONS

The existing access that is close to the junction of Queens Road and Greenwich Close would be closed. There would be two new accesses onto Queens Road, each would have adequate visibility splays with two off street car parking spaces and room to turn and therefore enter and leave in a forward gear.

The access to the plot in the northeastern part of the site would be off Greenwich Close, which would also have adequate visibility splays with two off street car parking spaces and room to turn and therefore enter and leave in a forward gear.

The traffic generated by two additional dwellings would be capable of being accommodated within the surrounding road network without causing any highway problems.

The development would not cause any hazards to highway safety and therefore is acceptable in highway terms. Kent Highway Services raise no objections to the development and have considered the highway safety issues arising from the new access points.

OTHER CONSIDERATIONS

Ecology

The amount of trees on the site means that there is potential for bats to use the site for roosting. A bat survey was undertaken in order to ensure that no harm would come to bats on the site. The survey found no bats roosting in the trees on the site, although there was evidence of some roosting in the fabric of 'The Dell'. There is also evidence that the site is used for foraging by bats, however, it is concluded by the survey that there would be a low predicted impact on the bat species in the area.

Natural England have been consulted on the application and raise no objections to the development subject to the imposition of a condition requiring a mitigation strategy for bats. I consider this to be an appropriate condition.

Sustainable Construction

Within the submitted design and access statement the agent has indicated that the development will seek to achieve at least a level 3 on the Code for Sustainable Homes. This would embrace the goal of sustainable construction and a condition would be appropriate to secure this is achieved.

CONCLUSION

The application is for residential development on previously developed land within the urban area and therefore the principle of the development conforms to Development Plan policies and national guidance in PPS3.

The proposed scheme would maintain a set back from Queens Road, would not appear cramped and would maintain the soft edge of the site and therefore would not have a detrimental impact on the character of the area.

The trees that would be lost would not remove significantly important specimens from the site and additional planting would ensure that the lost trees would be replaced. There would be no significant impact on residential amenity.

There would be no hazard to highway safety as a result of the development and the proposed level of car parking is acceptable. The impact on the populations of bats in the area would be low.

Therefore the development is considered acceptable and approval is recommended.

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, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) 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 policies BE1 and H5 of South East Plan (2009).

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping including replacement tree planting along the Greenwich Close frontage, 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 in accordance with policies ENV6 of

the Maidstone Borough-Wide Local Plan (2000) and H5 of South East Plan (2009).

4. 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) and H5 of South East Plan (2009).

5. No works, including site clearance or demolition shall take place until a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing;

Reason: To prevent damage to protected species in accordance with policy NRM5 of the South East Plan (2009).

6. No works including site clearance or demolition shall take place until the recommendations within the arboricultural method statement undertaken by Barrell Tree Consultants dated 22 May 2009 have been carried out and these shall be maintained until the completion of the development;

Reason: In order to prevent damage to trees in accordance with policies H5 and BE1 of the South East Plan (2009).

7. The dwelling shall achieve Level 3 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 3 has been achieved;

Reason: To ensure a sustainable and energy efficient form of development in accordance with Policy M1 and H5 of the South East Plan (2009), Kent Design Guide 2000 and PPS1.

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.