

APPLICATION: MA/09/1441 Date: 10th August 2009 Received: 11th August 2009

APPLICANT: Mrs L Saunders

LOCATION: 75, HEATH ROAD, MAIDSTONE, KENT, ME16 9LD

PROPOSAL: Retrospective planning permission for the creation of two parking spaces as shown on drawing no. 2009/22/1 received 11/08/09.

AGENDA DATE: 15th October 2009

CASE OFFICER: Kathryn Altieri

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

- The applicant is an employee of Maidstone Borough Council

POLICIES

Maidstone Borough-Wide Local Plan 2000: H18, T13

South East plan 2009: CC6, BE1, T4

Village Design Statement: Not applicable

Government Policy: PPS1 - Delivering Sustainable Development, PPS3 - Housing, PPG13 - Transport

HISTORY

ENF/10678 - Retaining walls & earthworks to create new access & hardsurfacing, raising land

MA/09/0970 - Amendment to approval MA/08/1903 (Erection of a detached three bed dwelling) being alterations to roof pitch, alterations to internal arrangement and fenestration - withdrawn

MA/08/1903 - Erection of a detached three bed dwelling - approved/granted with conditions

MA/08/1902 - Erection of a single storey front extension - approved/granted with conditions

49/0017/MK1 - Erection of four pairs of semi-detached dwelling houses and two garages for private cars - approved/granted

CONSULTATIONS

Newspaper Advertisement Expiry Date: N/A

KCC Highways: Raised no objections but recommended the following conditions;

"I refer to the above planning application and have no objections to the proposals in respect of highway matters subject to the following condition(s) being attached to any permission granted:-

- 1. Pedestrian visibility splays 2m x 2m 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.*
- 2. The area shown on the submitted layout as vehicle parking space or garages shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space."*

REPRESENTATIONS

Neighbours: No response

CONSIDERATIONS

The Site

The application site relates to a residential plot currently occupied by a semi-detached two storey dwelling. The property is set back more than 8m from Heath Road and is within the urban area of Maidstone. The street scene is typically made up of residential properties of differing scale, design and age, most with off road parking provision.

The application site does not fall within any other specially designated economic or environmental area, as shown by the Maidstone Borough Wide Local Plan 2000.

The Proposal

This submission is a retrospective planning application for the creation of two parking spaces and the implicit engineering works, including the erection of retaining walls and the raising of the land.

The land slopes downwards north to south and this development has built land up so that the parking spaces sit level with the road. The dimensions of the parking area measure some 8m by 7m with the retaining walls standing at most, 0.9m from ground level.

Please note that planning permission is not usually required for a dropped kerb along Heath Road as it is an unclassified single carriageway. In this instance, it is the level of engineering works which has resulted in the need for planning permission.

The planning history listed does not have a significant impact upon this application, but just for information, the approved dwelling under MA/08/1903 has not been implemented but the front extension approved under MA/08/1902 has.

In addition, please note that this application was submitted because of the Enforcement investigation carried out under ENF/10678.

Planning Issues

The most relevant policy under the Maidstone Borough-Wide Local Plan 2000 relating to householder development of this type within the urban area is Policy H18.

The parking area is considered a modest and ancillary development that is subordinate to the main dwelling and as such, does not overwhelm or destroy the character of the existing property.

There are views of this development from Heath Road. However, several properties along this highway have hardstanding to the front and this type of development is to be expected within an urban setting. I therefore believe that this parking area does not significantly affect the character and appearance of the area or adjacent buildings.

This development, because of its scale, design, nature and location does not have a significant detrimental impact upon the residential amenity of any neighbour, in terms of loss of privacy, outlook, daylight and sunlight.

The parking bays have strips of free-draining soil in between the hardstanding laid for the wheels to park on and a section of lawn does remain to the east of the development. In addition, the application site is not within a flood risk area. As such, I believe that this development does provide sufficient permeable surfacing within the curtilage of this property for direct run-off water and as such, there is no issue with flood risk.

The site does have additional parking to the east of this development, but this will be taken away when the approved dwelling (MA/08/1903) is implemented. Overall, the application site has ample off road parking provision for a property of this scale. If MA/08/1903 was not executed for whatever reason then there could be an issue with over provision of off street parking. However, there are parking restrictions along sections of Heath Road including yellow lines and the site is relatively close to several junctions, including a busy crossroads to the east. Therefore, as this development removes several vehicles from having to park on the road, it only reduces potentially hazardous parking on the public highway, which outweighs any issue of excess parking.

The parking and access would not in itself result in a highway hazard, as agreed by KCC Highways (subject to conditions) who have raised no objections to this development. Just to note that I deem these conditions to be appropriate and they have duly been imposed.

I therefore believe, due to the proposal's scale, design and location, that it would not significantly impact upon the parking provision within the area or generate any need.

Conclusion

As this application is retrospective, the standard time condition is not required. However, I deem the conditions recommended by KCC Highways still relevant and acceptable to impose.

It is therefore considered overall that the proposal is acceptable with regard to the relevant provisions of the development plan and amenity impacts on the local environment and other material considerations such as are relevant. I therefore recommend conditional approval of the application on this basis.

RECOMMENDATION

I RECOMMEND APPROVAL subject to the following conditions:

1. Pedestrian visibility splays 2m x 2m 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 road safety. This in accordance with policy T13 of the Maidstone Borough Wide Local Plan 2000, policy T4 of the South East Plan 2009 and PPG13 - Transport.

2. The area shown on the submitted layout as vehicle parking space or garages shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity. This in accordance with policy T13 of the Maidstone Borough Wide Local Plan 2000, policy T4 of the South East Plan 2009 and PPG13 - Transport.

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.