

REPORT SUMMARY

REFERENCE NO: - 23/502654/FULL		
APPLICATION PROPOSAL: Erection of 3 bedroom dwellinghouse and provision for 2no. car parking spaces, including erection of a front porch and a single storey rear extension to existing dwellinghouse.		
ADDRESS: 38 South Bank Staplehurst Tonbridge Kent TN12 0BD		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is acceptable regarding the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: Staplehurst Parish Council have called the application to committee based on visual impact, overlooking and visual intrusion, loss of garden space and highways impact.		
WARD: Staplehurst	PARISH/TOWN COUNCIL: Staplehurst	APPLICANT: Mr Sola Noah AGENT: AH Designs Studio Ltd
CASE OFFICER: Joanna Russell	VALIDATION DATE: 13/06/23	DECISION DUE DATE: 23/10/23
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

23/501630/LAWPRO Lawful Development Certificate for proposed loft conversion including rear dormer and 2no. front rooflights. Approved 06.06.2023

MAIN REPORT

1. DESCRIPTION OF SITE.

- 1.01 South Bank is a residential road within the Local Plan designated Rural Service Centre of Staplehurst.
- 1.02 The application site forms one half of a pair of semi-detached dwellings on the eastern side of South Bank. The application plot is on a bend and as such is a splayed site which is wider at the front than the back.
- 1.03 The existing dwelling has a small single storey side extension and an extensive side garden with a frontage much larger than is predominantly found in the locality.

2. PROPOSAL

- 2.01 It is proposed to demolish the small side extension, subdivide the plot, and erect a two-storey dwelling with accommodation in the roof, adjacent and attached to the existing host dwelling.
- 2.02 A garden would be retained to the side of the new dwelling which would also have a rear and front garden.

- 2.03 Parking for two cars (per plot) is shown in the front garden of each dwelling with existing access points utilised. Space for bin storage is also shown in the front garden, along with cycle storage in the rear gardens.
- 2.04 The proposed new dwelling replicates the host in proportions, height, roof form and front and rear building lines.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

Policy SS1 Maidstone borough spatial strategy
Policy SP10 Staplehurst Rural Service Centre
Policy SP23 Sustainable transport
Policy DM1 Principles of good design
Policy DM3 Natural environment
Policy DM9 Redevelopment in the built up area.
Policy DM11 Residential garden land
Policy DM12 Density of development
Policy DM21 Assessing the transport impacts of development.
Policy DM23 Parking standards

The Regulation 22 Local Plan Review (LPR) submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. The LPR has been through Stage 1 and 2 Hearings and the main modifications the Inspector considers are required to make it sound are out to public consultation, so it is at an advanced stage. However, responses to the consultation need to be considered by the Inspector along with him producing his Final Report so the LPR is considered to attract moderate weight at the current time.

Staplehurst Neighbourhood Plan

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Staplehurst Parish Council

- 4.01 Objection on the following grounds:
- Loss of visual gap and impact on street scene
 - Overlooking and visual intrusion to neighbouring properties
 - Net loss of biodiversity with the loss of garden space
 - Local Plan DM11 loss of residential garden and impact on neighbours
 - Highway safety impact
 - Referral to committee of officers minded to approve.

Neighbour consultation

- 4.02 Representations received from 3 residents objecting on the following (summarised) grounds:
- Proximity of dwelling to footpath is out of keeping with others in the locality
 - Loss of visual gap
 - Overlooking of properties in Hamner Way, Iden Crescent and South Bank
 - It will turn the semi-detached properties into a terrace which is out of keeping with the locality and street scene
 - Impact on outlook of opposite dwellings

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Environmental Health

5.01 No objection

Kent Highways

5.02 No comment

6. APPRAISAL

- 6.01 The key issues are:
- Spatial strategy
 - Visual impact
 - Residential amenity
 - Highways
 - Sustainability and biodiversity

Spatial strategy

- 6.02 Local Plan policy SS1 (Maidstone Borough spatial strategy) states that the focus for new development in the borough will be Maidstone's urban area (as the largest and most sustainable location) followed by the designated rural service centres and then the designated larger villages.
- 6.03 Policy SP23 (sustainable transport) encourages development which would have a positive impact in terms of sustainable travel. SP10 states that outside the Maidstone urban area, rural service centres are the second most sustainable settlements in the hierarchy to accommodate growth.
- 6.04 Local plan policy DM11 seeks, subject to criteria, to allow the development of residential gardens.
- 6.05 The Staplehurst Neighbourhood Plan, at para 3.18 positively supports development by accepting the village's strategic role as a designated Rural Service Centre (RSC).
- 6.06 The application site is in the rural service centre of Staplehurst (second group of sustainable locations in the borough) and is therefore generally suitable for new residential development subject to the consideration of other adopted planning policies and assessing its detailed impact.

Visual impact

- 6.07 Policy DM1 of the Local Plan states that proposals which would create high quality design and meet a set of criteria will be permitted.
- 6.08 Local plan policy DM11 allows development of residential gardens where it can be absorbed into the existing character, pattern and layout of the built environment without detriment to visual amenity. The policy states that the development of domestic garden land to create new dwellings will be permitted where it meets a set of criteria relating to visual, neighbouring and highways impact.
- 6.09 The area surrounding the application site consists of semi-detached and terraced housing. The housing is regularly spaced and fronting onto the highway with mainly built-up corners.
- 6.10 The application property is the current side garden of the property at 38 South Bank, this garden does not contribute significantly to the spatial quality of the area. The introduction of a house in this space, with a gap still retained to the side would

not appear out of keeping in terms of the spacing and pattern of surrounding development.

Existing and proposed block plans



- 6.11 The proposed dwelling respects and continues the existing front building line, and an appropriate gap is maintained to the side of the new dwelling – approx 2.8m at the rear and 7.8m at the front to the side boundary. The new dwelling would therefore sit in an appropriate and congruous manner in relation to surrounding built form and there is sufficient room in front of the new dwelling for the introduction of soft landscaping.
- 6.12 The massing, scale and detailing of the proposed dwelling including the roof is in keeping with the existing property and other houses in the locality, and in keeping with surrounding built form. The detailed appearance of the new dwelling would accord with the character of the locality and the streetscene.
- 6.13 The porch and rear extension proposed to the existing retained dwelling would be proportionate to it and would not appear put of keeping within the streetscene.
- 6.14 The front boundary of the new dwelling matches the existing boundary. While some paving is introduced for an additional parking space, a planning condition is recommended to require soft landscaping to soften the appearance of the site within the streetscene.
- 6.15 The new dwelling is in keeping with the existing character, pattern and layout of the surrounding built environment and subject to the imposition of conditions, its visual impact would accord with local plan policies DM1 and DM11.

Residential amenity

- 6.16 Local Plan policy DM 1 states that proposals will be permitted where they respect the amenities of occupiers of neighbouring properties. Development should not result in, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion. Built form should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties. Policy DM11 also requires development of garden land to result in no significant loss of privacy, light or outlook for adjoining properties.
- 6.17 The rear elevation of the new dwelling would be more than 21 metres from the nearest rear first floor window – and this is at an oblique angle. In addition, one of the two new first floor windows in the new dwelling, would be fitted with obscured glass as it is a bathroom. The introduction of these windows at an acceptable

distance from neighbouring occupiers is acceptable in terms of maintaining the privacy of existing neighbours.

- 6.18 The new dwelling and the single storey extension to the existing dwelling are sited such that they would not result in overshadowing or loss of privacy to neighbouring occupiers. In terms of outlook, the new dwelling retains sufficient gaps with the side boundary so that it would not have a detrimental impact on the 'neighbouring' dwelling at No 66 Iden Crescent.
- 6.19 The sizes of rooms in the proposed dwelling would accord with the national space standards. Acceptable amenity space in terms of size, natural light and privacy is shown to the rear, side and front of the proposed dwelling.
- 6.20 With the separation distances the proposal would not detrimentally impact on neighbouring amenity through overshadowing or loss of daylight, sunlight, or privacy. The new dwelling would provide acceptable living accommodation for future occupiers. It would accord with local plan policy DM1 and DM11.

Highways

- 6.21 Local Plan policy DM 1 states that proposals will be permitted, where they safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access. Local Plan policy DM21 seeks to ensure that the vehicle trips generated by a use can be adequately accommodated on the road network.
- 6.22 The provision of two car parking spaces for each dwelling would accord with the adopted standards. Cycle parking is shown in the rear garden of each dwelling. The site is in an area that has extensive on street parking provision on a wide road and with good visibility.
- 6.23 The proposal would provide policy compliant parking provision and would no cause detriment to highway safety in accordance with local plan policies DM1 and DM21.

Sustainability and biodiversity

- 6.24 Local Plan policy DM3 states: "*To enable Maidstone borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the natural environment...*"
- 6.25 A condition will be imposed to ensure a biodiversity net gain on site. A planning condition will be used to seek on site renewable energy generation to cover 10% of predicted energy requirements of the proposed houses.

PUBLIC SECTOR EQUALITY DUTY

- 6.26 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

CIL

- 6.27 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

7. CONCLUSION

7.01 The proposal would introduce an additional dwelling into a sustainable location of an appropriate design, layout, and appearance and without harm to visual or neighbouring amenity or highway safety. With suitable conditions the proposal is acceptable, and it is recommended that planning permission is granted.

8. RECOMMENDATION GRANT planning permission subject to the following conditions with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

(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 hereby permitted shall be carried out in accordance with the following approved plans:

230117-20 Rev B Floor and roof plans

230117-21 Rev C Elevations and section

230117-22 Rev B Ground and first floor plans

230117-23 Rev B Elevations and sections

230117-24 Rev B Second floor and roof plans

230117-31 Rev A Proposed site plan

230117-32 Rev A Proposed block and location plan

230117-33 Rev A Proposed site plan

Reason: To clarify which plans have been approved.

(3) The materials to be used in the development hereby approved shall be as indicated on the approved plans. Reason: To ensure a satisfactory appearance to the development.

(4) Prior to the first occupation of the dwelling hereby approved, facilities for (a) the storage and screening of refuse bins, and (b) the collection of refuse bins, and (c) secure bicycle storage shall be in place that are in accordance with details that have previously been submitted to and approved by the Local Planning Authority. These details will be maintained as such thereafter. Reason: In the interests of amenity, to promote sustainable travel choices and the reduction of CO2 emissions.

(5) The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extension by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter. Reason: To protect and enhance the ecology and biodiversity on the site in the future.

(6) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of the dwelling hereby approved and maintained thereafter. Reason: To ensure an energy efficient form of development.

- (7) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate and show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall also provide details of planting mitigation and enhancement and include a plant specification, implementation details, a maintenance schedule and a [5] year management plan. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- (8) 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) (England) Order 2015 (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.
- (9) Upon completion, no further development, whether permitted by Classes A, B, C or D of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out. Reason: In the interests of the amenities of the area.

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.