

# AGENDA

## PLANNING COMMITTEE MEETING



Date: Thursday 9 August 2012  
Time: 6.00 p.m.  
Venue: Town Hall, High Street,  
Maidstone

### Membership:

Councillors Ash, Collins, Cox, English, Garland,  
Harwood, Hogg, Lusty (Chairman),  
Newton, Paterson, Mrs Robertson,  
Thick and J.A. Wilson

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Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 16 August 2012

**Continued Over/:**

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**Issued on 1 August 2012**

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*Alison Broom*

**Alison Broom, Chief Executive, Maidstone Borough Council,  
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 26 July 2012 1 - 7
11. Presentation of Petitions (if any)
12. MA 11 1721 - 4 HAVIKER STREET, COLLIER STREET, TONBRIDGE 8 - 16
13. MA 12 0616 - 8 MANOR CLOSE, BEARSTED, MAIDSTONE 17 - 33
14. MA 12 1131 - 34 HIGH STREET, MAIDSTONE 34 - 40
15. MA 12 1178 - 1 ROSELEIGH AVENUE, MAIDSTONE 41 - 48
16. Report of the Head of Planning - Appeal Decisions 49
17. Chairman's Announcements
18. Update on Matters Referred to the Leader of the Council and Cabinet Members for Economic and Commercial Development and Planning, Transport and Development

**PLEASE NOTE:**

**The order in which items are taken at the meeting may be subject to change.**

**The public proceedings of the meeting will be broadcast live, and recorded for playback, on the Maidstone Borough Council website.**

## MAIDSTONE BOROUGH COUNCIL

### PLANNING COMMITTEE

#### MINUTES OF THE MEETING HELD ON 26 JULY 2012

**Present:** Councillor Lusty (Chairman) and Councillors Butler, Collins, Cox, English, Harwood, Hogg, Newton, Paterson, Mrs Robertson, Thick and J A Wilson

61. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Ash and Garland.

62. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Butler was substituting for Councillor Ash.

63. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

64. ITEMS WITHDRAWN FROM THE AGENDA

MA/12/0828 - ERECTION OF TEN 1-BEDROOM ALMSHOUSES AND A DAY ROOM AND PROVISION OF ENLARGED CAR PARKING AREA INCLUDING THE DEMOLITION OF EXISTING GARAGE/STORE BUILDING - HARRIETSHAM ALMSHOUSES, EAST STREET, HARRIETSHAM, MAIDSTONE

The Committee considered the urgent update report of the Head of Planning. It was noted that this application had been withdrawn by the applicant.

65. URGENT ITEMS

Update Report

The Chairman stated that, in his opinion, the update report of the Head of Planning should be taken as an urgent item as it contained further information relating to matters to be considered at the meeting.

66. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Collins disclosed an Other Significant Interest in the report of the Head of Planning relating to application MA/12/0447. He stated that the applicant was known to him and that he would leave the meeting when the application was discussed.

The Chairman stated that although he had been involved as a Ward Member in the discussions on the matters in respect of which application MA/10/0157 was deferred, he had not yet made up his mind as to how he would vote.

67. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

68. MINUTES OF THE MEETING HELD ON 28 JUNE 2012

RESOLVED: That the Minutes of the meeting held on 28 June 2012 be approved as a correct record and signed.

69. PRESENTATION OF PETITIONS

There were no petitions.

70. MA/10/0157 - CHANGE OF USE OF LAND TO MIXED USE FOR RESIDENTIAL WITH THE STATIONING OF 1 STATIC CARAVAN AND 1 TOURING CARAVAN, UTILITY BUILDING, LAYING OF HARD SURFACING, CESS POOL AND ERECTION OF CLOSE BOARDED FENCING AND CHANGE OF USE OF LAND FOR THE KEEPING OF HORSES WITH FIELD SHELTER - LAND EAST OF MAPLEHURST LANE, FRITTENDEN ROAD, STAPLEHURST, TONBRIDGE

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning.

RESOLVED: That permission be granted subject to the conditions and informative set out in the report as amended by the urgent update report.

Voting:        6 – For        3 – Against        1 – Abstention

Note:

Councillor Thick left the meeting during consideration of this application (6.15 p.m.).

Councillor J A Wilson left the meeting during consideration of this application, but returned prior to consideration of application MA/12/0447.

71. MA/12/0447 - ERECTION OF SINGLE STOREY GARDEN ROOM EXTENSION AND RAISED FLAGSTONE PATIO AREA - SCUFFITS, WATER LANE, HUNTON, MAIDSTONE

Having disclosed an Other Significant Interest, Councillor Collins left the meeting whilst this application was discussed.

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning.

Councillor Sawtell of Hunton Parish Council (in support) and Mr Blything, for the applicant, addressed the meeting.

RESOLVED: That permission be refused for the reason set out in the report.

Voting: 7 – For 3 – Against 0 – Abstentions

72. MA/11/1685 - OUTLINE APPLICATION FOR THE ERECTION OF A DETACHED DWELLINGHOUSE - LAND AT 36 HUNTINGTON ROAD, COXHEATH

The Chairman stated that he had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning.

Mrs Bebbington, an objector, and Mr Bradley, the applicant, addressed the meeting.

RESOLVED:

1. That outline permission be granted subject to the conditions set out in the report, as amended by the urgent update report, the additional condition and informative set out in the urgent update report and the following additional informative:-

The scale and design of the proposed building should respond positively to numbers 36A and 36B Huntington Road.

2. That the Ward Members should be kept informed of progress in relation to this development.

Voting: 9 – For 2 – Against 0 – Abstentions

73. MA/12/0133 - ERECTION OF A DETACHED REPLACEMENT DWELLING - BIO, FORGE LANE, BREDHURST, GILLINGHAM

All Members except Councillors Butler, Collins, Hogg and J A Wilson stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning.

Mr Tice, an objector, Councillor Hewitt of Bredhurst Parish Council (against) and Mrs Hales, the applicant, addressed the meeting.

RESOLVED: That subject to the expiry of the consultation period and the receipt of no representations raising new issues material to the decision,

the Head of Planning be given delegated powers to grant permission subject to the conditions and informatives set out in the report, as amended by the urgent update report, and the additional conditions set out in the urgent update report with the amendment of condition 4 as follows:-

Notwithstanding the details submitted on drawing no. 2022-005 Rev A received 16/07/12, 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 a tree protection plan and the provision of a native hedge to the front boundary. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The approved protection measures shall be implemented before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority.

Reason: No such details have been submitted and to ensure a satisfactory setting and external appearance to the development. This is in accordance with policy ENV6 of the Maidstone Borough-Wide Local Plan 2000, policies CC1 and CC6 of the South East Plan 2009 and the guidance contained within the National Planning Policy Framework 2012.

Voting:        9 – For        0 – Against        2 – Abstentions

74. MA/12/0501 - RETROSPECTIVE PLANNING PERMISSION FOR THE CONSTRUCTION OF A NEW ACCESS ONTO CHARTWAY STREET - LAND SOUTH OF CHARTWAY STREET, SUTTON VALENCE, MAIDSTONE

The Committee considered the report and the urgent update report of the Head of Planning.

Councillor Armstrong of Sutton Valence Parish Council (against) and Mr Green, the applicant, addressed the meeting.

RESOLVED: That permission be granted subject to the condition set out in the report as amended by the urgent update report.

Voting:        11 – For        0 – Against        0 – Abstentions

75. MA/12/0676 - ERECTION OF ONE DWELLING WITH ASSOCIATED WORKS AND ERECTION OF FRONT PORCH TO 36 HONYWOOD ROAD - 36 HONYWOOD ROAD, LENHAM, MAIDSTONE

The Committee considered the report and the urgent update report of the Head of Planning.

Councillor Godfrey of Lenham Parish Council (against) and Mr Blything, for the applicant, addressed the meeting.

**RESOLVED:** That permission be granted subject to the conditions and informatives set out in the report, the additional condition set out in the urgent update report and the following additional conditions:-

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 appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers in accordance with policy BE1 of the South East Plan 2009.

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 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: To ensure a satisfactory setting and external appearance to the development in accordance with policy BE1 of the South East Plan 2009.

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 policy BE1 of the South East Plan 2009.

**Voting:** 11 – For 0 – Against 0 – Abstentions

76. MA/12/0824 - CHANGE OF USE OF PROPERTY FROM NURSING HOME TO SINGLE DWELLING - THE HAWTHORNS, LEEDS ROAD, LANGLEY, MAIDSTONE

The Committee considered the report of the Head of Planning.

**RESOLVED:** That permission be granted subject to the condition set out in the report.

Voting: 11 – For 0 – Against 0 – Abstentions

77. MA/12/0984 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 1 NO. EXTERNALLY ILLUMINATED FASCIA SIGN AND 1 NO. EXTERNALLY ILLUMINATED PROJECTING SIGN - 34 HIGH STREET, MAIDSTONE

The Committee considered the report of the Head of Planning.

RESOLVED: That advertisement consent be granted subject to the conditions set out in the report.

Voting: 11 – For 0 – Against 0 – Abstentions

78. MA/12/0999 - INSTALLATION OF SHOPFRONT AND ASSOCIATED WORKS - 34 HIGH STREET, MAIDSTONE

The Committee considered the report of the Head of Planning.

RESOLVED: That permission be granted subject to the condition set out in the report.

Voting: 11 – For 0 – Against 0 – Abstentions

79. MA/12/0828 - ERECTION OF TEN 1-BEDROOM ALMSHOUSES AND A DAY ROOM AND PROVISION OF ENLARGED CAR PARKING AREA INCLUDING THE DEMOLITION OF EXISTING GARAGE/STORE BUILDING - HARRIETSHAM ALMSHOUSES, EAST STREET, HARRIETSHAM, MAIDSTONE

See Minute 64 above.

80. APPEAL DECISIONS

The Committee considered the report of the Head of Planning setting out details of appeal decisions received since the last meeting. The representative of the Head of Planning advised the Committee that the appeal decision in relation to application MA/11/0395 was interesting in terms of the Inspector's interpretation of the National Planning Policy Framework insofar as it related to backland development.

RESOLVED: That the report be noted.

81. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that he wished to draw Members' attention to the following training session:-

Member/Parish Training – National Planning Policy Framework – 2 August 2012 at 6.00 p.m. at the Town Hall.



82. UPDATE ON MATTERS REFERRED TO THE LEADER OF THE COUNCIL AND CABINET MEMBERS FOR ECONOMIC AND COMMERCIAL DEVELOPMENT AND PLANNING, TRANSPORT AND DEVELOPMENT

It was noted that there was nothing to report at present.

83. DURATION OF MEETING

6.00 p.m. to 7.55 p.m.

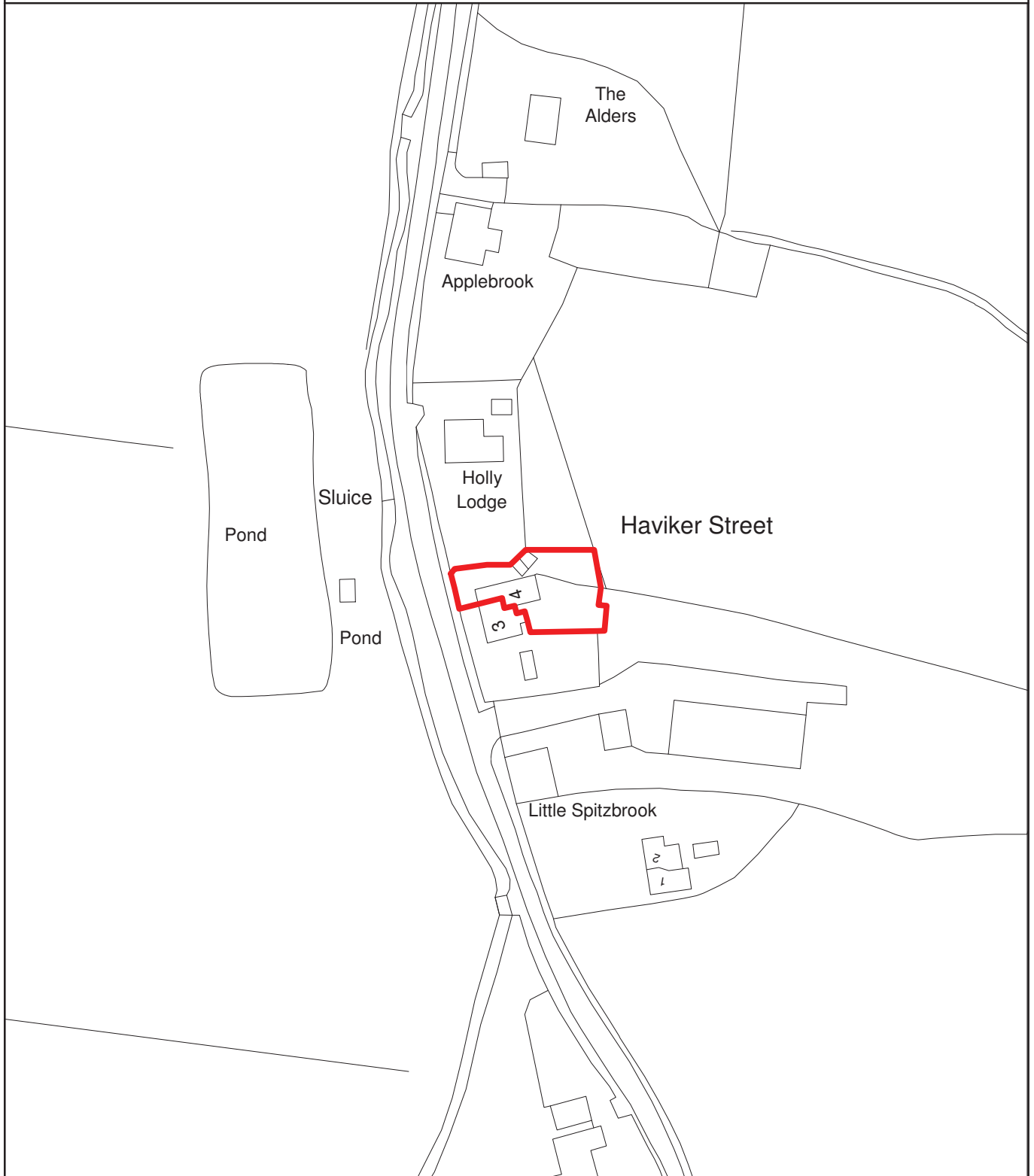
# Agenda Item 12

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/11/1721

GRID REF: TQ7246

4 HAVIKER STREET,  
COLLIER STREET.



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**Rob Jarman**  
**Head of Planning**

APPLICATION: MA/11/1721 Date: 30 September 2011 Received: 7 October 2011

APPLICANT: Mr Martin Cox & Mrs Mel Ward

LOCATION: 4, HAVIKER STREET, COLLIER STREET, TONBRIDGE, KENT, TN12 9RG

PARISH: Collier Street

PROPOSAL: Erection of shed (amended scheme to planning permission MA/11/1055)

AGENDA DATE: 9th August 2012

CASE OFFICER: Louise Welsford

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

- it is contrary to views expressed by the Parish Council.

## **1.0 POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV28, H33.

South East Plan 2009: BE6, C4, CC6.

Government Policy: National Planning Policy Framework.

Supplementary Planning Guidance 'Residential Extensions'.

## **2.0 HISTORY**

- |     |            |  |
|-----|------------|--|
| 2.1 | MA/75/0574 | 2 storey rear extension - APPROVED   |
|     | MA/82/1161 | Replacement garage, 3 dormers and chimney - APPROVED   |
|     | MA/82/1555 | 3 dormers, chimney and single storey side extension - APPROVED   |
|     | MA/11/0246 | Erection of a first floor side extension and erection of a garden shed – REFUSED   |
|     | MA/11/0248 | An application for listed building consent for the erection of a first floor side extension incorporating minor internal alterations - REFUSED |

MA/11/1048 An application for listed building consent for a first floor side extension - APPROVED  
MA/11/1055 Erection of a first floor side extension and a garden shed - APPROVED

### **3.0 CONSULTATIONS**

#### 3.1 Collier Street Parish Council:

"The amended scheme will clearly intensify the useage at first floor level and will create an overlooking issue. As an aside our understanding is that the useage will not be purely household.

We did not receive drawings of the proposed shed with the original application 11/1055 showing the size and height. If we had we would certainly have objected to the proposed development.

The staircase will provide a platform for overlooking into the bedrooms of the adjoining property."

"The amended scheme (moving the door) failed to overcome our previous objection to the application, namely that there were significant overlooking issues from the staircase platform and that this represented an intensification of use compared to the originally submitted proposals (a staircase being easier to use than a drop down loft ladder)".

#### 3.2 Conservation Officer: No objections.

### **4.0 REPRESEENTATIONS**

#### 4.1 Representations have been received from 3 parties, from or on behalf of two neighbouring properties, objecting upon the grounds of:

- loss of privacy/overlooking
- impact on surrounding properties
- overbearing
- damage to cesspool (Officer comment: This is a civil issue).
- Changes should have been shown on original plans
- Discrepancies in plans
- Overshadowing

- Buildings outside site not to scale on plans
- Building regulations issues
- Development overhangs boundary of garden
- Scale not in keeping with listed buildings

## **5.0 CONSIDERATIONS**

### 5.1 Site and Situation

- 5.1.1 This application relates to the grounds of a semi detached, grade II listed dwelling. The building dates from c. 17<sup>th</sup> century and is constructed of painted brick and render, under a plain tiled roof.
- 5.1.2 To the rear (east) of the dwelling is an outbuilding, which is the subject of this application, approximately 10m from the dwelling. It is more than 10m from the dwelling number 3 and more than 25m from Holly Lodge.
- 5.1.3 The site lies in the open countryside, in the parish of Collier Street. The area is sparsely developed, with a scattering of dwellings mainly to the eastern side of the road.

### 5.2 Planning History Considerations

- 5.2.1 Planning Permission and Listed Building Consent were granted under references MA/11/1055 and MA/11/1048 for the erection of a first floor side extension to the dwelling and a detached outbuilding to the east of the dwelling.
- 5.2.2 A side extension and an outbuilding have been constructed, but neither is in accordance with the approved plans.
- 5.2.3 The outbuilding which has been constructed is the subject of this application. The extension is the subject of a separate enforcement investigation.

### 5.3 Proposal

- 5.3.1 Planning Permission is sought for the retention of the outbuilding which has been constructed and for the installation of an external staircase. The building is stated to be required for purposes ancillary to the use of the dwelling. The footprint of the building is shown as 5.5m x 4.5m and its eaves height approximately 3m, ridge height approximately 5.2m.
- 5.3.2 It is important to note that the extant permission, MA/11/1055, gave permission for a building of this scale. The key changes between the

previously approved scheme and this scheme are that the rooflights have been installed to the east elevation only (they were previously approved also to the west) and an external staircase is now proposed to serve a first floor. A door has been installed to the first floor of the side elevation. A window and door have been transposed to the ground floor from the positions shown on the plans.

5.3.3 The visual impact of a building of this scale has therefore previously been considered.

#### 5.4.0 Residential Amenity

5.4.1 The key issue in relation to this application relates to the impact upon residential amenity for neighbouring properties, in terms of privacy.

5.4.2 The rooflights which have been installed to the east elevation are facing away from the properties adjoining the site and look out towards the open countryside. Due to their positioning, they do not cause significant overlooking to any nearby residential property.

5.4.3 Objections have been received regarding the proposed staircase, which would be installed to the north elevation. The staircase would be within 15m of No 3 Haviker Street (attached). It would be more than 25m from the dwelling Holly Lodge. Both of these properties have objected. It is accepted that the staircase would provide views at an elevated level towards the rear openings of No 3. However, the following points are considered important.

5.4.4 In relation to No 3, the door is sited at right angles and would not provide views into that property. There would be a platform at the top of the stairs, but a staircase is a functional structure which is normally in transient use. During the normal use of a staircase, it is anticipated that there would only be brief views towards No 3, as it is not a structure like a balcony where one would usually sit or stand for any length of time.

5.4.5 Moreover, it is material to note that the existing garden of the site extends across part of the rear of No 3. As a consequence, it is possible to sit directly to the rear of No 3, within the garden of the site, facing the rear of No 3 and obtain clear views of it. It is considered that seating within the garden is reasonably likely to occur for much longer periods of time than the usage of the staircase.

5.4.6 In relation to Holly Lodge, again, there would be views from the staircase, but these would be over a greater distance and this distance (over 25m) is considered sufficient to prevent any significant loss of privacy. This

relationship is no closer than one might expect between the first floor levels of dwellings.

- 5.4.7 I conclude that, whilst the staircase would give greater views over adjoining property, due to the functional nature of its use, being primarily a means of movement from ground to first floor level and the existing views which could be obtained from the garden area, any loss of privacy would not, on balance, be of such a scale to justify a refusal.
- 5.4.8 Policy H33 of the local plan and the Supplementary Planning Guidance 'Residential Extensions' both seek to maintain acceptable levels of privacy for neighbouring properties. However, the Supplementary Planning Guidance 'Residential Extensions' refers more specifically to windows, roof terraces and balconies, which generally would cause greater overlooking issues than a staircase. For the afore-mentioned reasons, the proposal is considered to comply with Policy H33 of the local plan and the Supplementary Planning Guidance 'Residential Extensions' in respect of its impact upon privacy.
- 5.4.9 In terms of light and outlook, the scale and height of the building remain as previously approved and the changes to fenestration and staircase would not have any significant adverse impact in these regards, because they would not add any significant mass. At this scale, the building is not considered to have any significantly detrimental impact upon neighbouring properties, due to its siting and distances to other properties (more than 10m from the dwelling number 3 and more than 25m from Holly Lodge). The proposal therefore complies with Policy H33 of the local plan and the Supplementary Planning Guidance 'Residential Extensions' in these regards.

## 5.5 Visual impact and impact upon setting of Listed Building

- 5.5.1 Due to its scale and design, and its siting, the development would not cause significant visual harm to the character or appearance of the countryside, or to the setting of the listed pair of dwellings. The building is sited a minimum of approximately 10m from the listed dwellings and in a subordinate position to them, being to the rear. Dark stained weatherboarding, which has been used for the walls, is a traditional, rural material and the shingles used for the roof have a satisfactory visual appearance. The Conservation Officer raises no objection to the proposals. A building of such a scale and appearance has previously been considered under reference 11/1055.

- 5.5.2 It is important to note that the fallback position of extant permission MA/11/1055, which allows for a building of such a mass and height. The staircase would result in no significant additional mass.
- 5.5.3 The proposal would not impact detrimentally upon the space around the buildings, or the character or openness of the countryside. Its scale is not, on balance, considered to be significantly in excess of what might reasonably be expected for its function. The proposal therefore complies with Policy H33 of the local plan and the Supplementary Planning Guidance 'Residential Extensions' in these regards.

## 5.6 Other Issues

- 5.6.1 The applicant has confirmed that the use of the building is ancillary to the main house. It is stated to be used for hobbies, for an average of 8-12 hours per week. It is further stated that sound insulation has been installed. A condition may be attached to ensure no commercial use within the building, which may potentially be harmful to residential amenity.
- 5.6.2 Comments have been made regarding the accuracy of the plans. Given that the development has been largely constructed, it is considered that the application can be fully assessed from the development on site and the submitted drawings (the only proposed change being the addition of the staircase). Whilst it is noted that a window and door have been transposed to the ground floor from the positions shown on the plans, these are in situ and their impact, including upon residential amenity, can therefore be fully assessed.
- 5.6.3 It is noted that the position of the rear (eastern) boundary may have been slightly altered to incorporate a slightly larger area within the residential area (where this development is sited). However, this increase is of minimal scale and the position of rear boundaries varies considerably to dwellings in this part of Haviker Street. This change has not resulted in any material harm to the character, appearance or openness of the countryside.

## 6. Conclusion

- 6.1 I have considered all of the relevant issues raised in representations and the fallback position of the extant permission MA/11/1055. I conclude that the proposal would not result in a significant loss of residential amenity for any neighbouring property, or harm to the character or appearance of the countryside. It would preserve the setting of the Listed Building.



Approval is recommended.

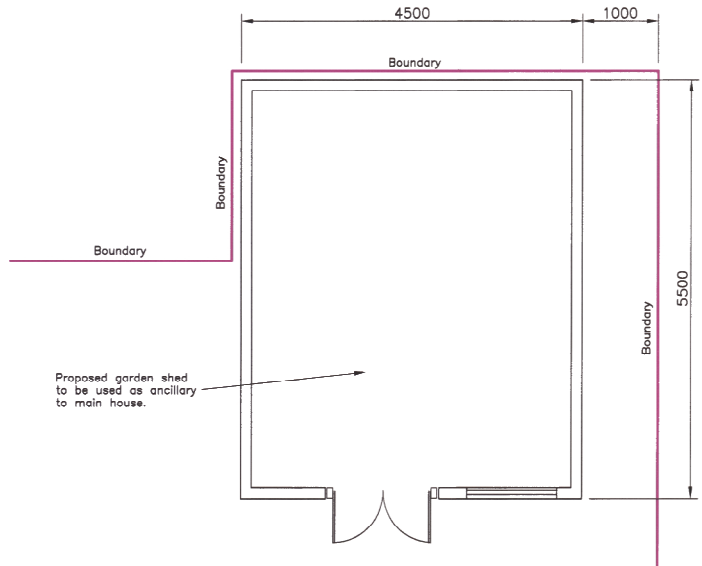
**7. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following condition:

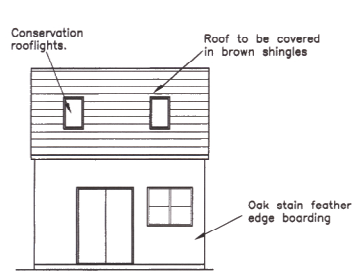
1. The building hereby permitted shall only be used for purposes incidental to the domestic use of the related dwelling house and for no other purposes or use;

Reason: To prevent the introduction of commercial uses which would cause demonstrable harm to the enjoyment of their properties by adjoining residential occupiers. This in accordance with Policy H33 of the Maidstone Borough-Wide Local Plan 2000.

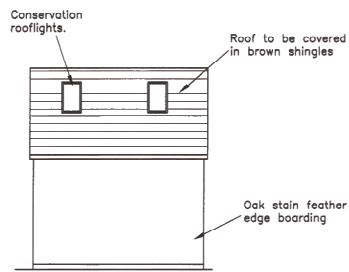
The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.



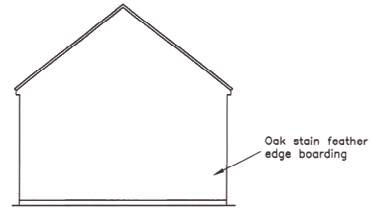
Ground Floor Plan



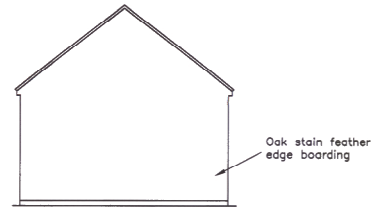
Front Elevation



Rear Elevation



Side Elevation



Side Elevation

MA/11/1055

Rev B Re-issued for Planning June '11  
Rev A Issued for Planning Feb '11

**Mulbury Designs Ltd**  
Honeywood House  
The Drive  
Maresfield Park  
Maresfield  
East Sussex  
TN22 2HA  
Tel: 01825 760967  
Email: mulburydesigns@hotmail.co.uk

TITLE:  
Proposed Elevations and  
Plan of Garden Shed

PROJECT:  
Proposed First Floor Side  
Extension, New Garden Shed  
& Minor Internal Alteration @  
4, Haviker Street, Collier Street

SCALE: 1:100, 1:50 DATE: Jun 2011

DRG NO. REV.  
4 B

17



05.03.2012

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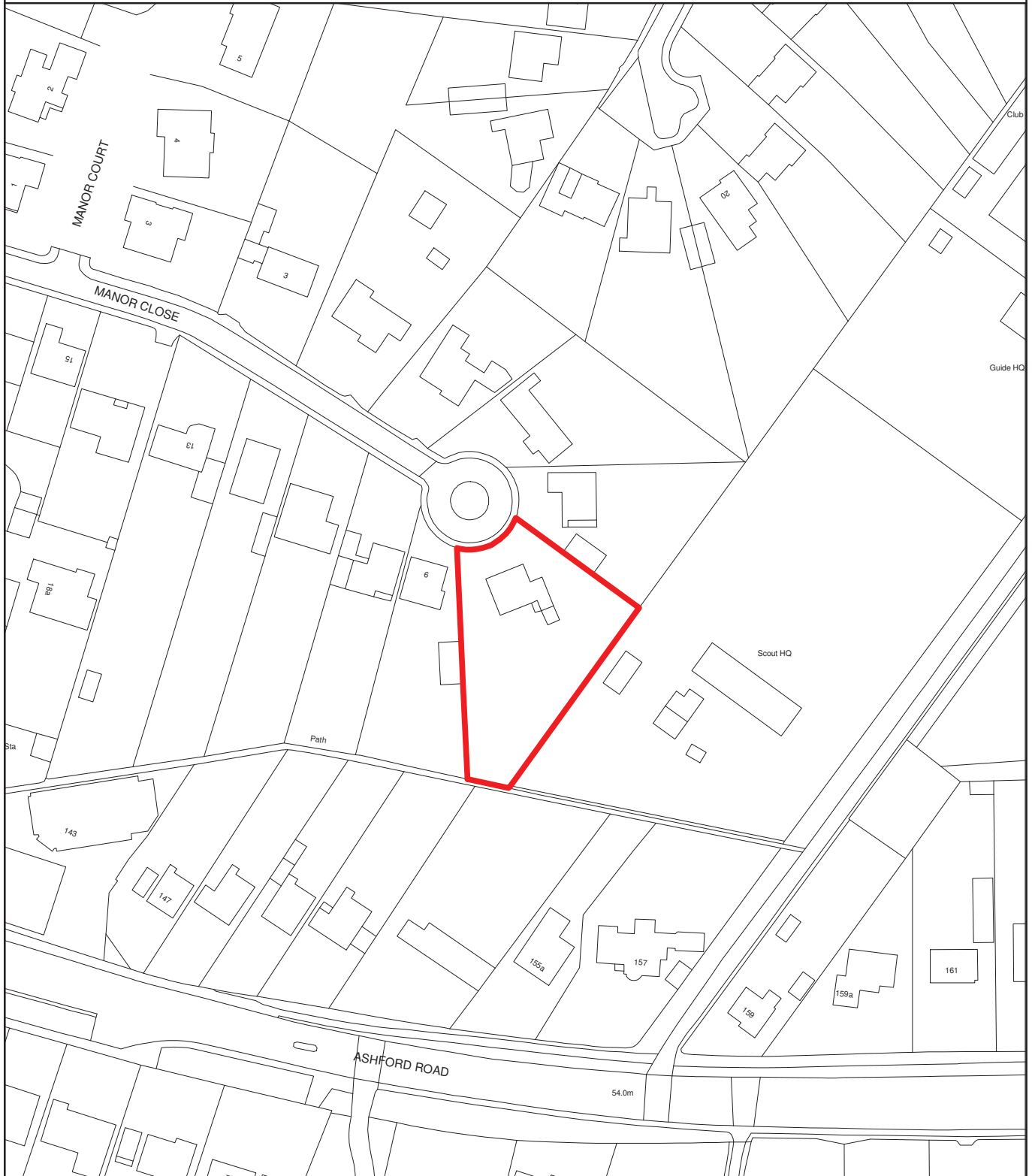
# Agenda Item 13

## THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/0616

GRID REF: TQ7955

8 MANOR CLOSE,  
BEARSTED.



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**Rob Jarman**  
Head of Planning

APPLICATION: MA/12/0616 Date: 31 March 2012 Received: 3 April 2012  
APPLICANT: Clarendon Homes  
LOCATION: 8, MANOR CLOSE, BEARSTED, MAIDSTONE, KENT, ME14 4BY  
PARISH: Bearsted  
PROPOSAL: Erection of 2(no) detached chalet bungalows including new vehicle access and all other associated works to replace existing dwelling as shown on fencing details, site location plan, Design & Access Statement, existing elevations and block plan received 03/04/12 and letter, proposed street elevation and drawing nos. 03C, 06 and 07 received 02/07/12.

AGENDA DATE: 9th August 2012

CASE OFFICER: Kathryn Altieri

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

- Councillor Ash, Councillor Springett and Bearsted Parish Council have both requested it be reported for the reasons set out in the report.

### **1.0 POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, T13
- South East Plan 2009: SP3, CC1, CC4, CC6, BE1, H4, H5, T4, NRM5
- Village Design Statement: N/A
- Government Policy: National Planning Policy Framework

### **2.0 HISTORY**

- MA/12/0093 - Erection of 2(no) detached chalet bungalows including new vehicle access and all other associated works to replace existing dwelling – refused
- 54/0025/MK3 - The erection of ten dwellings - approved/granted with conditions
- 54/0025B/MK3 – bungalow – approved/granted

### **3.0 CONSULTATIONS**

- Councillor Ash:

*"If you are minded to approve this application, please report it to the planning committee, to give local residents, via one spokesperson, the opportunity to address the planning committee."*

- Councillor Springett:

*"If you are minded to approve it, I would like this amended planning application be sent to Planning Committee in order to allow the neighbours who oppose it to make their representations to the committee."*

- Bearsted Parish Council wish to see the application refused;

*"The further reduction in size of the two replacement dwelling houses and their setting back further into the application site does not overcome the Parish Council's previously held view that the shoehorning of two new dwellings onto the site will result in a poorly configured, cramped and unacceptable form of development, out of character with the surrounding street scene and detrimental to the amenity of the adjoining properties."*

*In addition, I need to remind you that although accepting that it is not a planning consideration, the Parish Council has previously informed you that it has been made aware of restrictive covenants on the application site that could legally prevent two dwellings from being built on it."*

The following consultee responses were received for the previous application refused under MA/12/0093. The site and surrounding area has not significantly changed since these comments were received; and in terms of density, highway access, landscaping and ecology there have been no significant changes in circumstances and therefore considered still relevant;

- KCC Highways Officer: Raises no objections subject to conditions;

*"1. As an initial operation on site, adequate precautions shall be taken during the progress of the works to safeguard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the LPA. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances."*

*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 LPA 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."*

2. *Before the dwellings hereby approved are first occupied, a properly consolidated and surface access (not loose stone or gravel) shall be constructed, details of which shall have been submitted to and approved by the Local Planning Authority.*
3. *The hedging along the frontage shall be no greater than 600mm in height for a distance of 2m measured from the edge of the driveway and shall be subsequently maintained."*

- KCC Bio-Diversity Projects Officer: Raises no objections;

*"No ecological information has been submitted with this application. We are satisfied that the site in its current state has minimal potential to impact protected species and we require no further information to be submitted for comment. We recommend that the current management is continued to ensure that the site remains unsuitable for protected species.*

*We were disappointed that the site has been recently cleared. From the aerial photos it appears that the site contains habitat which may have been suitable for protected species. An ecological survey should have been carried out prior to any work commencing to assess if any further surveys were required before works were carried out.*

*Enhancements must be incorporated in to the proposed development site to create habitat for biodiversity which may have been lost as a result of the clearing works. Recommendations include the inclusion of bat tiles/bricks/tubes within the new building, the creation of a wildflower area or planting native species hedgerows on the site."*

- Landscape Officer: Raises no objections subject to conditions;

*"The application does not contain any information about existing trees on the site. There are currently no significant trees on or adjacent to the site, although the 2008 aerial photograph suggests that the site contained a large number of trees, most of which have been felled recently. However, these appear to have mainly been old fruit trees, the removal of which I would not have considered a reason to refuse the application. Whilst there may have been little of individual value present, the character of the site was clearly quite green and I would expect any proposal for the site to reflect this, in the interests of biodiversity and local landscape character.*

*Several hedges currently remain, but I note that it is proposed to remove existing hedges on the perimeter of the site and to replace them with fencing. I would prefer to see these hedges retained, together with the additional hedge planting proposed (although hedging is usually supplied as bare root plants or if pot grown, would be unlikely to be supplied in 300mm pots as detailed).*

*Although the layout of the proposal does not allow much opportunity for new planting, I consider the proposed landscaping to be insufficient and unimaginative and recommend that a better quality scheme is required by condition."*

- Environmental Health Officer: Raises no objections

#### **4.0 REPRESENTATIONS**

- 8 representatives (including the Bearsted and Thurnham Society) have objected over issues concerning;
  - The scale of the development
  - It being a cramped development
  - Inappropriate infilling
  - Cramped development
  - Its impact upon the character of the surrounding area
  - Parking and highway safety
  - Need for more affordable housing in area
  - Biodiversity
  - Loss of light
  - Drainage & foundation issues
  - Disturbance during construction phase of development
  - Covenant on the land

#### **5.0 CONSIDERATIONS**

##### **5.1 Background information**

5.1.1 A proposed development for two detached dwellings on this site was recently refused under MA/12/0093 for the following reasons;

1. *The proposed dwellings by virtue of their scale, design and siting, would create a cramped and visually incongruous development which would cause harm to the character and appearance of the area. This is contrary to the advice in PPS1 - Delivering Sustainable Development, PPS3 - Housing and policies CC1, CC6 and BE1 of the South East Plan 2009.*
2. *The proposed dwellings, by virtue of their bulky, awkwardly figured roof style, excessive width, choice of external materials and close relationship with one another, would constitute poor design, and would thereby fail to respond positively to the character of the area. This is contrary to the advice in PPS1 - Delivering Sustainable Development, PPS3 - Housing and policies CC1, CC6 and BE1 of the South East Plan 2009.*

5.1.2 Due to the poor design of the refused development, it would have appeared cramped within the site, to the detriment of the character of the street.

5.1.3 This resubmission has amended the scheme refused under MA/12/0093 as follows;

- The first 4m of each proposed unit (when measured from the front) reduced in width by 1m, with the rearmost part of the buildings having been reduced by 0.5m.
- At the closest point, this would now give a separation distance of some 5.6m between the two proposed dwellings, which is an increase of 1.8m.
- The over large barn-hipped inner-side projections to each unit have been removed, to be replaced by single rooflights.
- The outer-side dormer windows to each unit have been reduced in scale so that the hipped roofs are now set down 0.5m from the main ridge line.
- The alterations would see the ridge heights of the proposed dwellings marginally reduced by 0.15m.
- The inappropriate gable-end weatherboarding has been replaced with tile hanging at first floor level.
- Further planting has been shown to the front of the buildings.

5.1.4 Whilst informal discussions were held with the agent after MA/12/0093 was refused, there was no official written advice sought by the agent before this resubmission.

## **5.2 Site Description**

5.2.1 The application site relates to an irregular shaped residential plot of land that is currently occupied by a detached, chalet-style bungalow (8 Manor Close) with side garage, flat roofed rear dormer window, greenhouse and existing vehicle access from the road. The site has been cleared of a number of, thought to be, fruit trees and a well established native hedge is found to the front. The site is largely enclosed by hedging/planting for boundary treatment and also includes post and rail fencing along the eastern and southern boundaries; and 1.8m close boarded fencing along the rearmost section of the western boundary.

5.2.2 Manor Close is a quiet cul-de-sac within the urban area and parish of Bearsted and the application site itself is sited at the eastern most end of this road, adjacent to the turning head. Manor Close is largely characterised by detached bungalows and chalet-styled bungalows of differing scale, design and age, although it should also be noted that the properties in Manor Court (accessed at the western end of Manor Close) are two storey and clearly noticeable from Manor Close (in particular 1 & 3 Manor Court). To the rear of the site is the Bearsted Scout Group hut and grounds and a public footpath (KM76) runs in a

general east to west direction along the southern boundary of the application site.

5.2.3 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.

### **5.3 Proposal**

5.3.1 This proposal is an amended scheme to MA/12/0093 and is still for the erection of two detached chalet-style bungalows to replace the existing dwelling currently on site.

5.3.2 Set back some 13m from the road, the two properties would be of similar design and handed in appearance. Each dwelling would have the following;

#### Ground floor

- One bedroom (with ensuite)
- Kitchen/dining area
- Living room
- Conservatory
- W.C/attached single garage/Utility room

#### First floor

- Two bedrooms
- Bathroom

5.3.3 The front and rear elevations of both dwellings would have a barn-hipped end; and each outer-side flank would have an individually hipped dormer window. When measured from the front elevation, the two properties would have a main ridge height of some 6.45m from ground level and from the barn-hipped end an eaves height of some 4.9m. When measured from the side flanks, the eaves height would be some 2.25m in height from ground level. In terms of width, the front elevation of each property would measure some 6.9m wide (some 9.9m when including the garages) and the depth of each property would be some 12m (some 15.6m when including the conservatories).

5.3.4 In terms of external materials, the following has been annotated;

- Redland Duo Plain roof tiles
- Stock facing brickwork at ground floor level
- Plain tile hanging to dormer windows and gable-ends

### **5.4 Principle of development and sustainability**

5.4.1 Since MA/12/0093 was refused, the National Planning Policy Framework (NPPF) has superseded all Planning Policy Statements and Guidance. However, Development Plan policy and central Government guidance contained within the



NPPF still encourages new housing in sustainable urban locations, which is where this site is found.

## **5.5 Design, siting and appearance**

- 5.5.1 The revised scheme has been assessed to ascertain whether the previous reasons for refusal have been overcome.
- 5.5.2 Manor Close is typically characterised by simply designed detached bungalows and chalet-style bungalows set in relatively large plots with good separation distances between each one (not including the subordinate single storey side extensions/garages). I am of the view that whilst there is no distinct building line, Manor Close does benefit from a sense of openness with how the buildings are scaled, set and designed.
- 5.5.3 Given the amendments to this proposed scheme, I consider that it would no longer disrupt this informal pattern of development, as the two dwellings at the pinch point would now have a 5.6m gap, widening to more than 14m towards the rear. The ridge heights of the two proposed dwellings would be lower than the ridge lines of both 7 and 9 Manor Close; and the orientation of each dwelling would give a good sense of space, which would be positively more apparent with the reduced width of each unit, the reduced ridge height, the removal of the awkward and bulky barn-hipped side projections and the reduced bulk of the outer-side dormer windows. Moreover, there would be more than 9m of separation from the two proposed dwellings (not including the garages) and the main houses at 7 and 9 Manor Close. I am therefore of the view that this more simply designed and better proportioned proposal would no longer appear as a cramped and unacceptable cumulative mass of built form, but a cohesive development in terms of the visual integrity of the street.
- 5.5.4 The removal of the barn hipped end side projection, the reduction of the bulk of the outer-side dormers, together with the narrowing of both dwellings, the reduction in ridge height and the addition of the more suitable tile hanging is considered to be an improvement to previous refusal MA/12/0093, in that it would relate more sympathetically to the existing neighbouring dwellings and the surrounding area.
- 5.5.5 A public footpath (KM76) does run past the southern boundary of the site and the development would be visible from this public vantage point. However, given that the site is already in residential use and within the built up urban area, I do not consider that this development would appear visually incongruous, enough to justify refusal alone. The retained boundary hedging, the proposed landscaping and the significant set back of the dwellings from any public

highway would also ensure that this proposed development would not appear over dominant when viewed from public viewpoints.

5.5.6 In my opinion, this resubmission would no longer appear as a poorly designed, cramped and visually incongruous development and therefore has positively overcome the previous reasons for refusal.

## **5.6 Residential Amenity**

5.6.1 Existing shared boundary treatments and the garages of 7 and 9 Manor Close would maintain acceptable levels of privacy at ground floor level for the occupants of these neighbouring properties. Moreover, the only first floor opening to overlook either of these neighbours would serve a bathroom (Plot 1 over 7 Manor Close and Plot 2 over 9 Manor Close). These openings will be conditioned to be obscure glazed and fixed shut except for a fan light 1.7m above floor level, in order to maintain acceptable levels of privacy for the occupants of these properties.

5.6.2 The main dwelling proposed for Plot 2 (not including the garage) would be more than 9.5m away from 9 Manor Close; and the main dwelling proposed for Plot 1 (not including the garage) would be more than 9m away from 7 Manor Close. Given these separation distances and the set back of both proposed dwellings away from the immediate neighbours, it is my view that the development would not result in a significant loss of light or outlook to any of their habitable rooms or immediate outdoor amenity space.

5.6.3 The proposed driveways would be adjacent to the driveways of 7 and 9 Manor Close. I do not consider this unreasonable and have no concern in terms of general disturbance to the occupants of these properties in terms of traffic generated noise.

5.6.4 Given the proposed siting of the two new dwellings; the proposed boundary treatments; and the arrangement of the fenestration detail, I am of the view that neither property would have an adverse impact upon the amenity of the other.

5.6.5 No other property would be within a significant distance of this development to have their residential amenity adversely affected.

5.6.6 Therefore, given the proposal's scale, design, orientation and location, I do not consider that it would have a significant detrimental impact upon the residential amenity of any neighbour, in terms of loss of light, privacy and outlook.

## **5.7 Amenity for Future Occupiers of new dwellings**

5.7.1 The fenestration arrangements of the new dwellings would result in acceptable levels of outlook, daylight and privacy for the occupants. The proposed outdoor amenity space is also considered sufficient.

## **5.8 Highways**

5.8.1 The proposal would retain the existing vehicle access for plot 1 (eastern side of plot) and would involve the creation of an additional vehicle access for plot 2 (western side of plot). Each plot would have three car parking spaces, including the attached garages. The site is within a sustainable area, within walking distance of local amenities and bus routes; and it should also be noted that the '*Kent Design Guide - Residential Parking*' has not been formally adopted by Maidstone Borough Council and that there are no minimum or maximum parking standards that residential development has to adhere to. With everything considered, I take the view that the proposed level of parking is acceptable and reasonable.

5.8.2 Manor Close is an unclassified, quiet cul-de-sac where vehicles should not be travelling at any great speed. So whilst there is no vehicle turning areas for the two plots, I am of the view that the vehicle movements generated by the proposal would not result in a frequency of use that would be detrimental to highway safety. Furthermore, the majority of properties along Manor Close (including the application site) do not have turning areas and there is no record of traffic related incidents to warrant concern over an additional vehicle entrance being created (existing access is to remain). I also consider it unacceptable to ask for additional hardstanding, as this would have a detrimental impact upon the visual amenity of the area.

5.8.3 Moreover, I consider it unreasonable to condition set visibility splays for both accesses, given that the front hedge and one of the access points already exists; and given the low frequency of use and location sited at the end of a quiet cul-de-sac. In terms of visual amenity, I am of the opinion that as much of the front hedge is retained as possible.

5.8.4 I therefore believe that this proposal would not generate significant enough vehicle movements to and from the sites, to justify refusal on the grounds of highway safety.

## **5.9 Landscaping**

- 5.9.1 There are currently no significant trees on or adjacent to the site although there are a number of hedges within and around the site. The proposal does largely show the retention of the boundary hedging that surrounds the application site and I will ensure that this planting is retained and bolstered by way of condition.
- 5.9.2 Concern has been raised that there is no gap between the proposed driveways and the retained outer hedges. It has been advised that the driveways should therefore either be of no-dig, permeable construction (which will raise finished levels above existing) in order to ensure the successful retention of the hedge. To ensure the retention of the boundary hedging, full details of the driveway construction methods will be requested by way of condition.
- 5.9.3 After consultation with the Council's Landscape Officer, I consider the overall landscaping scheme to be acceptable subject to further information being obtained by way of condition.

## **5.10 Ecology**

- 5.10.1 The site has been largely cleared and so as conceded by the KCC Biodiversity Projects Officer under MA/12/0093, "*...the site in its current state has minimal potential to impact protected species*". I still consider these comments to be relevant and so whilst there may have been habitat which may have been suitable for protected species, there is no way of now proving this.
- 5.10.2 Further enhancements to the scheme will be requested by way of conditioned, those being the introduction of swift bricks and/or bat boxes and details of rear boundary treatments to incorporate a minimum gap of 150mm from ground level;
- 5.10.3 I therefore do not consider there to be any significant issues with regards to a possible impact upon protected species and consider it unjustified to request any further details with regards to ecology or biodiversity.

## **5.11 Other Matters**

- 5.11.1 This proposal would seek to achieve Code Level 3 of the 'Code for Sustainable Homes', to ensure a sustainable and energy efficient form of development.
- 5.11.2 The site is not within a Flood Zone, as designated by the Environment Agency and is not within close proximity of any noticeable watercourse. Therefore, this development would not be prejudicial to flood flow, storage capacity and drainage within the area.

## **6.0 CONCLUSION**

- 6.1 The comments raised by Bearsted Parish Council and the neighbours have been dealt with in the main body of this report. However, I would like to add that a proposed development for two houses does not need to provide any level of affordable housing; issues with regards to foundation works and sewers are covered by separate legislation; and a private covenant on the land is a civil matter and not a material planning consideration.
- 6.2 For the reasons outlined above, I consider the development would not cause any demonstrable harm to the character of the area, it would not harm the amenities of existing residents and it would provide sufficient parking. It is therefore considered overall that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the National Planning Policy Framework and all other material considerations such as are relevant. I therefore recommend conditional approval of the application on this basis.

## **7.0 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. This is in accordance with polices CC1, CC4, CC6 and BE1 of the South East Plan 2009 and the National Planning Policy Framework.

3. The development shall not commence until details of the proposed materials (not loose stone or gravel) to be used in the surfacing of the parking areas within the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the

subsequently approved details;

Reason: To ensure that the development positively responds to the character and appearance of the locality and to ensure highway safety. This is in accordance with polices CC1, CC4, CC6 and BE1 of the South East Plan 2009 and the National Planning Policy Framework.

4. Before the development hereby permitted is first occupied, the proposed first floor bathroom windows to both properties shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers. This is in accordance with the National Planning Policy Framework.

5. Notwithstanding the boundary treatments shown on drawing no. 03C received 02/07/12, the development shall not commence until details of rear boundary treatments to incorporate a minimum gap of 150mm from ground level have been submitted and maintained thereafter;

Reason: In the interests of ecology and biodiversity pursuant to the National Planning Policy Framework.

6. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall be in accordance with BS 5837 (2012) 'Trees in relation to design, demolition and construction - Recommendations' with 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 and shall include the following;

- i) the retention and details of the reinforcement of the existing hedges along the outer boundaries of the site (that are within the application site);
- iii) the retention of the front boundary hedge as shown on drawing no. 03C received 02/07/12;
- iii) details of the species, size, density and location of all new planting within the site;
- iv) the planting of two nursery standard sized trees to the front of the site.

Reason: In the interests of visual amenity. This is in accordance with policy ENV6

of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework.

7. 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. This is in accordance with policy ENV6 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework.

8. The development shall not commence until full details of the driveway construction 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;

Reason: To ensure the retention of existing boundary hedging and a satisfactory appearance to the development. This is in accordance with policy ENV6 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Class(es) A, B, C, D, E, F, and G shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers. This is in accordance with the National Planning Policy Framework.

10. The dwellings shall achieve Level 3 or better of the Code for Sustainable Homes. The dwellings shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 or better has been achieved;

Reason: To ensure a sustainable and energy efficient form of development. This is in accordance with the National Planning Policy Framework.

11. 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) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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 provision is likely to lead to parking inconvenient to other road users and in the interests of road safety. This is in accordance with the National Planning Policy Framework.

12. The development shall not commence until details of a scheme of foul and surface water drainage for the site have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details;

Reason: To ensure adequate drainage arrangements. This is in accordance with the National Planning Policy Framework.

13. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways;

Reason: To prevent pollution of the water environment. This is in accordance with the National Planning Policy Framework.

14. The development shall not commence until details of the following have been submitted to and approved in writing by the Local Planning Authority;

i) details of the provision of swift and/or bat boxes within the development.

Reason: In the interests of ecology and biodiversity pursuant to the National Planning Policy Framework.

15. The development hereby permitted shall be carried out in accordance with the following approved plans: proposed street elevation and drawing nos. 03C, 06 and 07 received 02/07/12;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers. This is in accordance



with the National Planning Policy Framework.

### **Informatives set out below**

Pursuant to condition 8, the applicant is advised that the driveways should be of no-dig, permeable construction where necessary to prevent damage to roots of retained hedges.

In order to minimise dust and dirt being blown about and potentially causing a nuisance to occupiers of nearby premises the following precautions should be taken.

- Reasonable and practicable steps should be used during any demolition or removal of existing structure and fixtures, to dampen down the general site area, using a suitable water or liquid spray system.
- Where practicable, all loose material on the site should be covered during the demolition process.
- During the construction, reconstruction, refurbishment or modification of the building and where practicable the exterior should be sheeted, enclosing openings etc. as necessary.

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.

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.

Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager.

The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. This should be available for inspection by the Local Authority at any time prior to and during the development.

As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

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.

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 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.

In order to avoid future conflict with the trees to be planted to the front of the site, it is advised that the location of the soakaways is reconsidered.

The applicant is encouraged to create a wildflower area within the 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 the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

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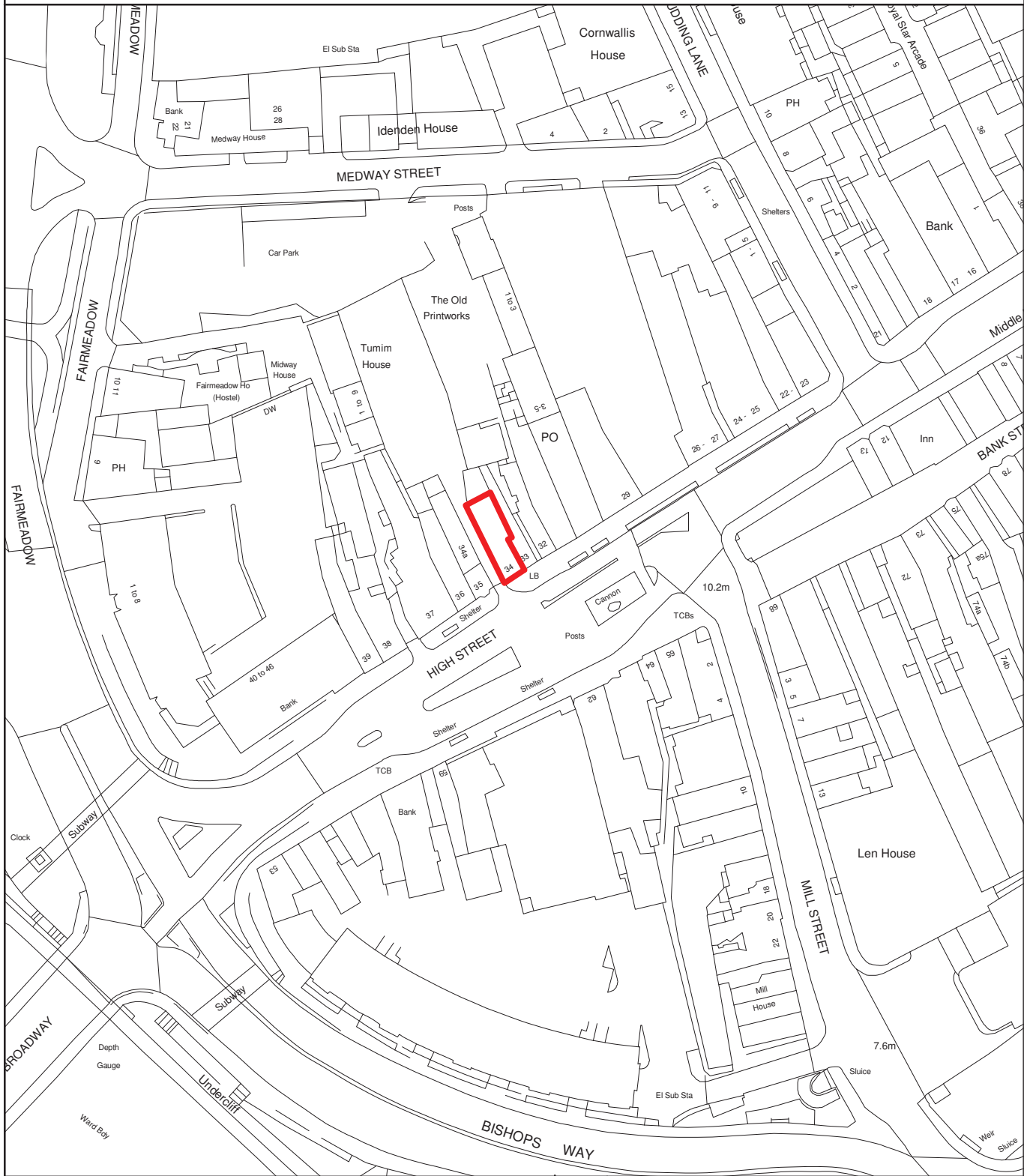
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# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/1131

GRID REF: TQ7555

34 HIGH STREET,  
MAIDSTONE.



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**Rob Jarman**  
Head of Planning

APPLICATION: MA/12/1131 Date: 15 June 2012 Received: 18 June 2012  
APPLICANT: Mr Wahidulla Masoudi  
LOCATION: 34, HIGH STREET, MAIDSTONE, KENT, ME14 1JH  
PARISH: Maidstone  
PROPOSAL: Variation of condition 3 of application MA/11/1147 to change opening hours to 09.00am and 12:00 (midnight) on Sundays - Thursdays and 10:00am to 05:00am Fridays and Saturdays as shown on details received 18/06/12.  
AGENDA DATE: 9th August 2012  
CASE OFFICER: Kathryn Altieri

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

- The Council has a land ownership interest.

#### **1.0 POLICIES**

- Maidstone Borough-Wide Local Plan 2000: R1, R3, R9, R17
- South East Plan 2009: CC6, BE1, BE6, NRM10
- Village Design Statement: N/A
- Government Policy: National planning Policy Framework

#### **2.0 HISTORY (relevant)**

- MA/12/0999 - Installation of shopfront and associated works – approved/granted with conditions
- MA/12/0984 - Advertisement consent for the installation of 1(no) externally illuminated fascia sign and 1(no) externally illuminated projecting sign – approved/granted with conditions
- MA/12/0023 - Variation of condition 3 of planning permission MA/11/1147 (any activity (including cleaning) in connection with the use of the premises shall only take place between the hours of 9am and midnight on Mondays to Saturdays and 10am to 11:30pm on Sundays, Bank Holidays
- MA/11/1147 - Change of use from A1 (retail) to A5 (hot food takeaway) and installation of extract system – approved/granted with conditions

### **3.0 CONSULTATIONS**

- Environmental Health Officer: Raises no objections.

### **4.0 REPRESENTATIONS**

- 4 objections received raising concerns of the extended opening hours on the amenity of neighbouring residential properties.

### **5.0 CONSIDERATIONS**

#### **5.1 Site Description**

5.1.1 The application site relates to a general rectangular shaped plot that is occupied by an end of terrace, two storey building that fronts onto the High Street, some 40m to the west of the junction with Mill Street. The site is currently in lawful use as takeaway. This building is largely glazed to the front and there is a vehicle access along its south-western flank that leads to a car park at the rear. The properties either side of the application site are Grade II listed and the site does fall within the Maidstone Centre Conservation Area. The surrounding area largely consists of differently styled buildings with varying commercial and residential uses and to the rear of the site is a private car park with residential flats on its eastern (3-5 Medway Street) and western (Tumim House) edges.

5.1.2 The application site is also in the 'tertiary town centre' area, as designated by the Maidstone Borough-Wide Local Plan 2000 (MBWLP).

#### **5.2 Proposal**

5.2.1 Planning approval MA/12/0023 granted permission to vary condition 3 (relating to opening times) of the original A5 change of use application (MA/11/1147) to read;

*"Any activity (including cleaning) in connection with the use of the premises shall only take place between the hours of 11.00am and 01:00am on Mondays to Thursdays and Sundays and 11:00am to 03:00am Fridays and Saturdays;*

*Reasons: To safeguard the enjoyment of their properties by nearby residential occupiers in accordance with policies R9 and R17 of the Maidstone Borough-Wide Local Plan 2000, policy NRM10 of the South East Plan 2009, PPS1 and PPG24."*

5.2.2 The applicant now seeks to change these operating hours again to as follows;

- 9am – 12 (midnight): Sundays to Thursdays

- 10am – 5am: Fridays and Saturdays

5.2.3 These proposed hours would be in line with those recently approved by the Council's Licensing Department.

### **5.3 Principle of Development**

5.3.1 The principle for 34 High Street to be used as a takeaway has already been approved under planning permission MA/11/1147. This application is to consider the impact of the proposed change of operation hours only.

5.3.2 The most relevant policies under the Maidstone Borough-Wide Local Plan 2000 relating to the 'tertiary town centre' area and a takeaway outlet are policies R9 and R17. I will consider this application against the criteria set out in both of these policies.

Policy R9 states;

*WITHIN THE TERTIARY TOWN CENTRE AREAS, AS DEFINED ON THE PROPOSALS MAP, THE BOROUGH COUNCIL WILL PERMIT A VARIETY OF USES APPROPRIATE TOWARDS THE EDGE OF THE TOWN CENTRE PROVIDED THAT THE FOLLOWING CRITERIA ARE MET:*

*(1) THE PROPOSED USE(S) CONTRIBUTES TO THE VITALITY AND VIABILITY OF THE AREAS; AND*

*(2) THERE IS NO DETRIMENTAL IMPACT ON NEIGHBOURING LAND USES OR RESIDENTIAL AMENITY; AND*

*(3) ANY PARKING PROVISION IS IN CONFORMITY WITH THE LOCAL PLAN STRATEGY; AND*

*(4) THERE IS NO LOSS OF RESIDENTIAL ACCOMMODATION OR ACCESS TO RESIDENTIAL ACCOMMODATION.*

*THESE USES INCLUDE CLASS A1 (SHOPS), CLASS A2 (FINANCIAL AND PROFESSIONAL SERVICES), CLASS A3 (FOOD AND DRINK), CLASS C1 (HOTELS AND GUEST HOUSES), CLASS C3 (DWELLING HOUSES), D1 (NON-RESIDENTIAL INSTITUTIONS) AND CLASS D2 (ASSEMBLY AND LEISURE).*

Policy R17 states;

*The Council will permit hot food shops, restaurants, cafes, bars and public houses outside the core shopping area to which policy R7 applies, provided that the following criteria are met:*



- (1) *That there is no detrimental effect, by reason of hours of opening, fumes and smells or noise and disturbance, to nearby or adjoining uses and especially residential amenity; And*
- (1) *That the effect of one or a concentration of such uses would not be detrimental to the vitality and viability of any district or local centres within which they may be located.*

## **5.4 Residential Amenity**

5.4.1 The main issue to consider under this application is whether or not the proposed operational hours would result in unacceptable harm to the amenity of the nearby residential properties. There are residential flats above several properties along this stretch of the High Street (including 32 and 36 High Street) and there are flats to the rear of the site some 30m away (3-5 Medway Street and Tumim House).

5.4.2 Below are examples of the licensed hours of operation of other takeaway shops within Maidstone town centre;

### **High Street**

*Hot 4 You:* 11:00am – 04:00am (Monday–Saturday) & 11:00am – 23:00pm (Sundays)

*Wok Inn:* 11:00am – 05:00am (Monday – Sunday)

*Maidstone Grill:* Does have a licence to operate for 24hrs, 7 days a week

### **Bank Street**

*Kent Best Kebab:* 23:00pm – 05:00am (Monday – Sunday)

### **Gabriels Hill**

*Atillas Kebab House:* 12:00pm – 03:00am (Sunday – Thursday) & 12:00pm – 05:00am (Friday & Saturday)

*Britannic Fish Bar:* 07:00am – 04:00am daily

5.4.3 I do not consider there to be an over proliferation of takeaways and as shown, other takeaways in the town do have operating hours that extend into the early hours of the morning. As well as the existing late night takeaways, there is the footfall and activity associated with the nightclubs of Maidstone. Here are examples of the licensed opening hours for some of these clubs;

*Chicago Rock:* 11:00am – 03:00am (Monday – Sunday)

*Players:* 12:00am – 03:00am (Monday – Sunday)

*Strawberry Moons:* 11:00am – 05:00am (Monday – Sunday)

*Banks:* 10:00am – 01:00am (Sundays), 07:00am – 01:00am (Monday – Wednesday), 07:00am – 04:00am (Thursday – Saturday) and also Bank Holidays

- 5.4.4 The town centre, by its nature, is a noisy environment where there is high activity at night time and in the early hours of the morning due to existing pubs, clubs, restaurants and takeaways. When it is considered what uses already exist within Maidstone town centre and their opening hours, I am of the view that the increased operation hours of this one takeaway would not cause further significant harm to the amenity of local residents. In my opinion, it would be unreasonable to refuse this application on residential amenity grounds.
- 5.4.5 Furthermore, the estimated sound emission from the extraction system would be between 25-30dBA (as previously stated under MA/11/1147) and this level is not considered to be unacceptable in terms of noise disturbance, especially given the existing background noise levels in the area.
- 5.4.6 If the situation changes in terms of the possible future impact upon local residents with regards to noise, fumes and smells, the occupants of 34 High Street would have to comply with Environmental Health legislation; and the Council's Environmental Health Team have the powers to take action if deemed necessary and justified. After consultation, the Environmental Health Officer has also raised no objection.
- 5.4.7 With everything considered, I am of the view that the proposed increase in operational hours for 34 High Street would not have a significant detrimental impact upon the residential amenity of any neighbouring property and so would not be contrary to polices R9 and R17 of the MBWLP 2000.

## **5.5 Visual Impact**

- 5.5.1 There are no external alterations to consider under this application and so the character, appearance and setting of the property itself, the Maidstone Centre Conservation Area and the adjacent listed and non-listed buildings would remain unaffected. The Council's Conservation Officer has also raised no objections.

## **5.6 Highways**

- 5.6.1 The principle for the property's intended use has already been granted under MA/11/1147 and I do not consider that a change to the proposed opening hours would have any further significant impact upon highway safety.

## **6.0 CONCLUSION**

6.1 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.

## **7.0 RECOMMENDATION**

**GRANT PLANNING PERMISSION** subject to the following conditions:

1. Any activity (including cleaning) in connection with the use of the premises shall only take place between the hours of 09.00am and 12:00(midnight) on Sundays - Thursdays and 10:00am to 05:00am Fridays and Saturdays;

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers. This is in accordance with policies R9 and R17 of the Maidstone Borough-Wide Local Plan 2000 and policy NRM10 of the South East Plan 2009.

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.

16.05.2012

**MILANO'S**  
Pizza - Kebab - Chicken 01472 401100

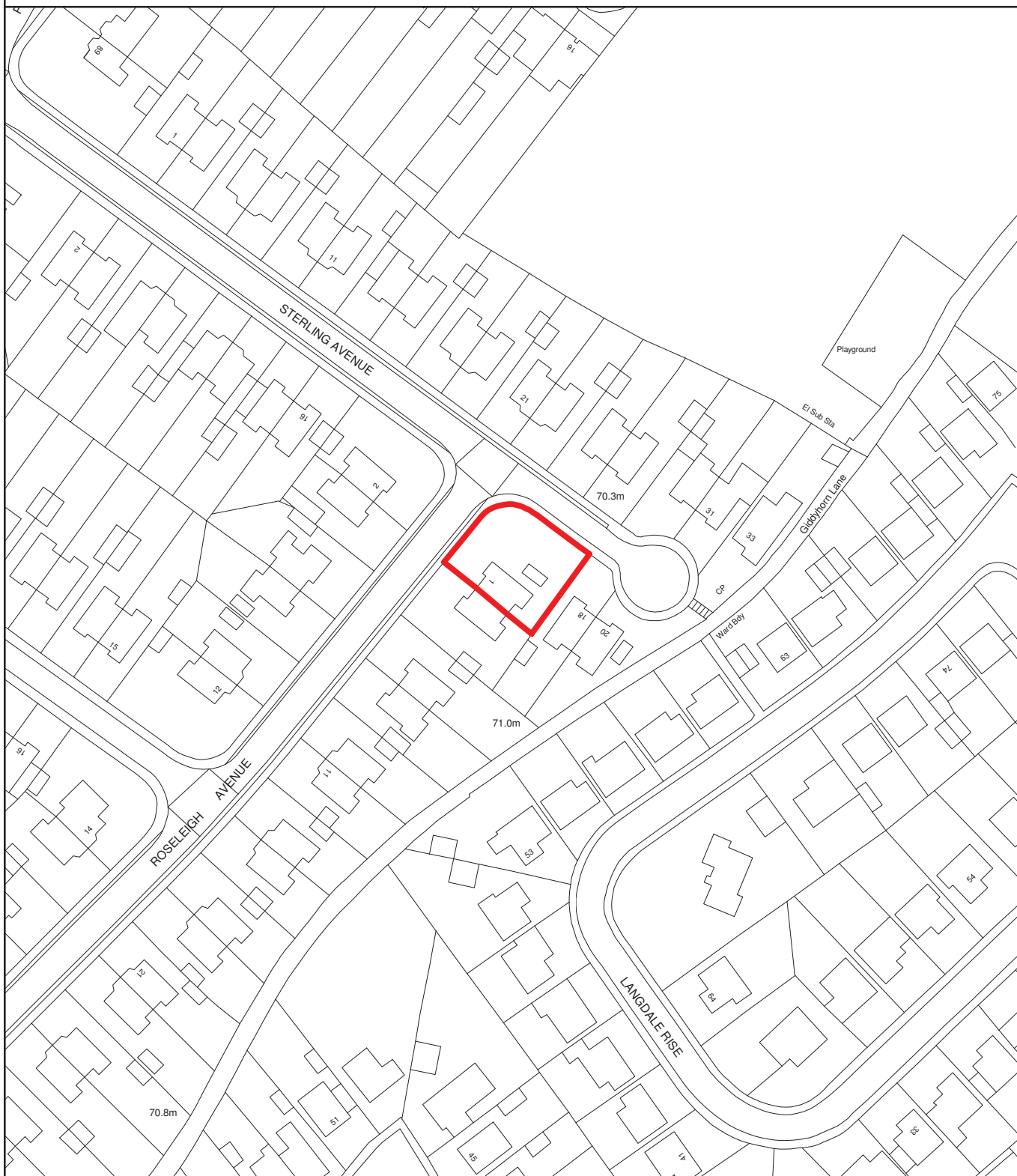
**Herb Bose**  
Chinese Medicine

# THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/12/1178

GRID REF: TQ7456

1 ROSELEIGH AVENUE,  
MAIDSTONE.



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**Rob Jarman**  
Head of Planning

APPLICATION: MA/12/1178 Date: 22 June 2012 Received: 25 June 2012  
APPLICANT: Mr K O'Sullivan  
LOCATION: 1, ROSELEIGH AVENUE, MAIDSTONE, KENT, ME16 0AR  
PARISH: Maidstone  
PROPOSAL: Erection of a side extension incorporating two dormer windows with the insertion of an additional rear dormer window and rooflights as shown on plan numbers 1935/1, site location plan and application form received 25th June 2012 and plan number 1935/2A received 30th July 2012.  
AGENDA DATE: 9th August 2012  
CASE OFFICER: Kevin Hope

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

Councillor Malcolm Robertson has requested it be reported to planning committee should the council recommend approval for the following reasons:-

- The development as proposed constitutes a gross and excessive enlargement in the original chalet-bungalow in terms of the original enclosed volume versus the new.
- The development would unbalance the symmetry of the semi-detached pair in the street-scene to an unacceptable degree.
- The height and mass of the development (despite the barn hip) would have an overbearing impact on the neighbouring property at 18 Sterling Avenue. Privacy/overlooking issues also need to be considered.
- Whilst not a planning issue, the apparent physical connection of a new dormer with the existing dormer of the neighbour needs further resolution. Notice has not currently been served on that neighbour.

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: H18
- South East Plan 2009: BE1, CC6
- Village Design Statement: N/A

- Government Policy: National Planning Policy Framework 2012

## **2. HISTORY**

No planning history since the original construction of the property.

## **3. CONSULTATIONS**

None.

## **4. REPRESENTATIONS**

4.1 Four representations have been received raising the following points:-

- Impact upon the character and appearance of the street
- Resulting dwelling would appear out of keeping
- The proposed extension is of excessive scale
- Impact upon the amenity of No18 Sterling Avenue
- Impact upon surrounding neighbours from building works
- Loss of existing trees and hedging to rear boundary of site
- Loss of a view from No18 Sterling Avenue

## **5. CONSIDERATIONS**

### **5.1 Site Description**

5.1.1 The application site comprises a square shaped residential plot located within the urban area of Maidstone. The site occupies a prominent corner location at the junction of Sterling Avenue and Roseleigh Avenue. The property has a parking area to the front as well as a single detached garage to the side. The dwelling is set back from the street by approximately 8m to front. By virtue of this corner location, there is also a significant spacing to the side boundary with Sterling Avenue of approximately 9.5m. The site is bordered by a 1m high brick wall with a grassed area adjacent to the north eastern boundary. There is also 1.8m high panel fencing to the south eastern boundary together with some tree planting.

### **5.2 Proposal**

5.2.1 Planning permission is sought for the erection of a side extension incorporating two dormer windows with the insertion of an additional rear dormer window and rooflights.

5.2.2 The proposed extension would project approximately 6.6m from the existing side elevation and would have a matching eaves height and ridge height. The

dormer windows would be of flat roof design with a width of approximately 4.1m and height of approximately 1.5m. An additional dormer window is proposed to the existing part of the rear roof slope. This would measure approximately 2.2m in width and 2.3m in height. This extension would replace the existing detached garage and would incorporate one garage space as an integral garage.

5.2.3 It should be noted that amended plans were submitted on 30<sup>th</sup> July showing the re-siting of the proposed rear dormer window detached from the existing dormer to No3 Roseleigh Avenue.

### 5.3 Principle of development

5.3.1 In principle, household extensions are considered acceptable within the urban area of Maidstone subject to its scale, design and its impact upon the surrounding area. This is outlined within policy H18 of the Maidstone Borough Wide Local Plan 2000 and the Residential Extensions Supplementary Planning Document 2009 as shown below:-

*Policy H18:-"EXTENSIONS AND ADDITONS TO RESIDENTIAL PROPERITES WILL BE PERMITTED PROVIDED THAT THE PROPOSAL:*

- (1) IS OF A SCALE AND DESIGN WHICH DOES NOT OVERWHELM OR DESTROY THE CHARACTER OF THE ORIGINAL PROPERTY; AND*
- (1) WILL COMPLEMENT THE STREET SCENE AND ADJACENT EXISTING BUILDINGS AND THE CHARACTER OR THE AREA; AND*
- (2) WILL RESPECT THE AMENITIES OF ADJOINING RESIDENTS REGARDING PRIVACY, DAYLIGHT, SUNLIGHT AND MAINTAINANCE OF A PLEASANT OUTLOOK; AND*
- (3) ENSURES THAT ADEQUATE CAR PARKING PROVISION WITHIN THE CURTILAG OF THE DWELLING IS PROVIDED, IN ACCORDANCE WITH THE ADOPTED CAR PARKING STANDARDS.*

5.3.2 The Residential Extensions SPD also provides guidance on side extensions within paragraphs 4.15 to 4.19. This document states that:-

- *The pattern of gaps in a street scene should be maintained. Other than in areas with significant spacing between dwellings, there should normally be a minimum gap of 3 metres between the side wall of a two storey side extension and the adjoining property for the full height of the extension.*
- *The side elevation of houses on corner sites is often built in line with the fronts of houses on the side street. Thus, a side extension on a corner plot could have an effect on the 'building line' of the adjoining street.*
- *A set back from the front elevation of the original house and lower roof can assist in assimilating the development where it is desirable that the form, proportions or symmetry of the original building are respected; the rhythm of buildings in a street follows a regular*



*form or buildings are regularly spaced; a close match of materials is not available; or there is a need to break down the mass of the resultant building.*

5.3.3 I will consider these points under sections 5.4 and 5.5 below.

#### **5.4 Visual Impact and design**

5.4.1 With regard to its impact upon the existing dwelling, I note that the proposed extension is of a significant scale with a projection from the existing side elevation of approximately 6.6m. However, this is relative to the scale of the site itself and does not project further than the flank elevation of the existing detached garage. This extension also respects the existing form of the dwelling with a maintained eaves height and ridge height together with the inclusion of a barn hip to the roof. Whilst the Residential Extensions SPD advocates a lower ridge height, in this case, I consider that the development would not appear significantly dominant and in this case, due to the openness and prominence of the site, I consider that a matching ridge height is appropriate. The proposed dormer windows are also of a similar design to ensure an in keeping overall appearance. As such, I do not consider that this proposal would harm the character or appearance of the dwelling. It is also stated within the application form that matching materials shall be used; however, a condition shall be imposed to secure that a satisfactory visual appearance would be achieved.

5.4.2 With regard to the impact upon the streetscene, clearly the proposed extension would have an impact upon the streetscene given its prominence and projection from the existing side elevation. However, its design including an in keeping ridge height and fenestration design reduce the impact of the development and I do not consider there to be a harmful impact. Whilst in terms of its scale, I appreciate that this would represent a significant increase; however I do not consider this to be significantly harmful. The comments raised by neighbours regarding the resulting appearance of the dwelling and its impact upon the adjoining property are noted, however, as discussed above, I do not consider this development would be significantly overwhelming or harmful which would warrant refusal on visual impact.

5.4.3 With regard to the spacing, a distance of approximately 9.5m would be retained to the side boundary with Sterling Avenue. This would ensure that the openness of this corner plot is largely retained. This siting also respects the building line of Sterling Avenue set by No18 and No20. The building line of Roseleigh Avenue is also maintained with a set back front elevation. Due to the location of the dwelling within a corner plot, the proposed addition would not have any impact upon the spacing between dwellings and would not result in a terraced appearance within this street. Due to the prominent corner location of the site and the siting of the extension to the north eastern elevation, views of the

extension would be possible from much of Sterling Avenue, although as discussed, the building line of this section of the street would be maintained. Views from Roseleigh Avenue to the south west may also be possible, although would be less prominent due to the siting of the extension to the north eastern side and maintained building line within this street. I therefore consider overall, that this proposal would not cause significant harm to the character or appearance of the streetscene.

5.4.4 I therefore consider that the proposal is in accordance with the guidance contained within the Residential Extensions SPD as outlined above and criterion 1 and 2 of policy H18.

## 5.5 Neighbouring Amenity

5.5.1 With regard to neighbouring residential amenity, a number of representations have been received raising concerns over the impact upon the amenity of No18 Sterling Avenue and No3 Roseleigh Avenue. This has been fully considered as below.

5.5.2 A BRE light test has been conducted to assess the impact upon light to No18 Sterling Avenue. This shows that there would not be a significant loss of light to No18 Sterling Avenue due to its siting approximately 8.5m from the proposed extension and its orientation to the south east. I therefore consider that there would not be a significant loss of light or overshadowing to No18. Similarly, by virtue of this separation between the two properties and its location to the side of No18, I do not consider that there would be a significant loss of outlook. Comments have been raised with regard to the loss of a view as a result of the proposed extension. This is not a planning consideration and different in context from a loss of outlook. Therefore, this cannot be considered as part of this application.

5.5.3 With regard to a loss of privacy, I note that the proposed dormer windows and roof lights would face south east towards the side elevation of No18 Sterling Avenue. However, due to the separation between the dwellings and the existing boundary fencing to the common boundary, I do not consider that there would be significant overlooking or loss of privacy to any habitable rooms within No18.

5.5.4 With regard to the impact upon No3 Roseleigh Avenue, due to the siting of the proposed extension to the side of the host dwelling and the set in location of the proposed additional rear dormer, I do not consider that there would be a significant loss of light, outlook, overshadowing or privacy to No3. Due to its siting, there would be no significant impact upon the amenity of any other neighbouring properties as a result of this development.

5.5.4 Comments have also been received with regard to the loss of privacy to neighbours as a result of the building works. This is not a planning issue and cannot be considered as part of this application.

## 5.6 **Landscaping**

5.6.1 No additional landscaping has been proposed within this application. In this case, no significant planting would be lost by this proposal and I do not consider that it would be reasonable to consider such details.

5.6.2 Comments have been received with regard to the recent loss of hedging within the site. This was not protected by a TPO and therefore does not require consent.

## 5.7 **Highways**

5.7.1 Significant parking provision is currently provided within the site with a paved area to the front. The garage space would be retained within this proposal with an integral garage included and the existing access utilised. Therefore, there would be no highways issues as a result.

## 5.8 **Ecology**

5.8.1 I do not consider there to be any significant issues with regards to a possible impact upon protected species due to the maintained nature of this residential site. I therefore consider it unjustified to request any further details with regards to ecology or biodiversity.

## 6. **CONCLUSION**

6.1 For the reasons outlined above, I consider the development would not cause any demonstrable harm to the character or appearance of the surrounding area, it would not have a detrimental impact upon the amenities of the existing residents and would not result in harm to highway safety. 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.

## 7. **RECOMMENDATION**

Subject to the completion of the consultation period and no new issues being raised, I be given delegated powers to 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 materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development in accordance with policy H18 of the Maidstone Borough Wide Local Plan 2000, policies BE1 and CC6 of the South East Plan 2009 and the guidance within the National Planning Policy Framework 2012.

3. Prior to the occupation of the extension, the proposed roof lights within the rear south east facing roof slope shall be obscure glazed and shall subsequently be maintained as such to the satisfaction of the Local Planning Authority;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers pursuant to policy H18 of the Maidstone Borough Wide Local Plan 2000, policies BE1 and CC6 of the South East Plan 2009 and the guidance within the National Planning Policy Framework 2012.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan numbers 1935/1, site location plan and application form received 25th June 2012 and plan number 1935/2A received 30th July 2012.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with policy H18 of the Maidstone Borough Wide Local Plan 2000, policies BE1 and CC6 of the South East Plan 2009 and the guidance within the National Planning Policy Framework 2012.

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.





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03.07.2012



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03.07.2012





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03.07.2012

# Agenda Item 16

## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE – 9<sup>TH</sup> August 2012**

### **APPEAL DECISIONS:**

- 1. – MA/11/1377** - Outline planning permission for the construction of a new dwelling with access to be considered at this stage and all other matters reserved for future consideration as shown on plan numbers 10214/01, 10214/02, 10214/03, design and access statement and application form received 15th August 2011..

**APPEAL:** Dismissed

Harperley Cottage, Ashford Road, Harrietsham,  
Maidstone, Kent, ME17 1BL

### **DELEGATED POWERS**

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- 2. – MA/11/1827** - Redevelopment to provide light industrial units and offices (amendment to Planning Permission MA/07/2629) as shown on drawing nos. A01, C100, C101, C102, C201 and C202 received on 25th October 2011.

**APPEAL:** Dismissed

South Belringham, South Lane, Sutton Valence, Kent,  
ME17 3BD

### **DELEGATED POWERS**

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