

## REPORT SUMMARY

<b>REFERENCE NO -</b> 14/502595/FULL		
<b>APPLICATION PROPOSAL</b> Creation of 2(no) self contained flats including insertion of dormer windows and associated works and creation of 2 additional parking spaces and re-siting of bin store as shown on drawing nos. 14/14/A and 14/14/1/A received 31/07/14 and site location plan and drawing no. 04/14/6 received 11/02/15.		
<b>ADDRESS</b> Harrietsham House Burdock Court Maidstone Kent ME16 0GN		
<b>RECOMMENDATION -</b> Permit		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposed development is considered to comply with the policies of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning consent.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Councillor Vizzard has requested the application be reported to Planning Committee.		
<b>WARD</b> Heath Ward	<b>PARISH COUNCIL</b> N/A	<b>APPLICANT</b> Mr Douglas Marr <b>AGENT</b> Mr Jim Guest
<b>DECISION DUE DATE</b>	<b>PUBLICITY EXPIRY DATE</b> 17 <sup>th</sup> March	<b>OFFICER SITE VISIT DATE</b> 24/09/14
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		

MA/14/0483 – Creation of 2 self-contained flats including insertion of dormer windows and associated works – Refused

MA/06/0780 - Alterations to loft area to form 2 additional flats – Approved with conditions

MA/05/2215 - Loft conversion to form 2 flats, involving installation of 1 window and 4 dormer windows to south elevation, and heightening of gables and installation of 2 windows and 4 rooflights to north elevation – Refused

### Detling House, Burdock Court

14/502593 - Creation of 2 self-contained flats with creation of parking – Under consideration

#### **1.0 Relevant policy**

- Development Plan:
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Draft Local Plan: SP2

#### **2.0 Consultation responses**

2.01 Councillor Vizzard called the application into Planning Committee given local resident interest.

2.02 **KCC Highways:** Raise no objection.

#### **3.0 Neighbour representations**

3.01 Several representations have been made by 18 interested parties for both 14/502595 and 14/502593 raising concerns over parking provision and

traffic generation and highway safety; visual amenity; loss of privacy; loss of amenity space; ownership; access to bin store; and disturbance during construction works. A petition (34 signatures) has also been received.

#### **4.0 Site description**

- 4.01 'Harrietsham House' is a three storey stand-alone apartment block located on the southern side of Burdock Court, accessed from Tarragon Road. St Andrew's Park is to the south of the site. The application site does fall within the defined urban area as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP).

#### **5.0 Proposal**

- 5.01 The proposal is for the creation of 2 self-contained flats. To facilitate this, 4 flat roofed dormer windows would be inserted into the south facing roof space, and 4 rooflights would be inserted to the north facing roof slope. Additionally, the front and rear gable ends would also be extended and altered. The ridge height of the main roof would not be altered. The proposal would provide 2 parking spaces to the front of the building, at the eastern-end of the existing parking on the other side of the existing bin store. The bin store would not be moved as part of this application; and the new parking spaces would be on land that is already block paved. Pedestrian access to a small amenity area on the eastern flank of the building would be unaffected.
- 5.02 The applicant is not the sole owner of the proposal site, as outlined on the site location plan, and has served suitable notice on the relevant parties.

#### **6.0 Background information**

- 6.01 Planning application MA/14/0483 was refused for the following reason:

*"The number, location, scale and proportion of the proposed dormer windows would fail to respect the architectural integrity of the building, detracting from its appearance and overall design and the character and appearance of the surrounding area as a whole."*

- 6.02 This proposal was for the insertion of 7 individually hipped dormer windows (3 north facing and 4 south facing).
- 6.03 Please note that planning permission was granted in 2006 under MA/06/0780, for a development similar to what is now proposed under this current application. The main difference between the two applications would be the location of the 2 additional parking spaces.

#### **7.0 Principle of development**

- 7.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 7.02 The application site is within of the defined settlement boundary of Maidstone, and whilst there is no specific saved policy relating to this type of development, the Development Plan does encourage new housing in

sustainable urban locations as an alternative to residential development in more remote countryside situations. The National Planning Policy Framework (NPPF) also states that, "...housing applications should be considered in the context of the presumption in favour of sustainable development".

- 7.03 For the above reasons I consider the policy principle of residential development at the site to be acceptable. From this, the key issues to consider are visual impact, residential amenity and highway safety.

## **8.0 Visual impact**

- 8.01 This building was designed as part of a comprehensive approach to this part of the site, and whilst it is a stand-alone building, it clearly forms part of an integrated design. The number of dormer windows has now been reduced and the scale of those proposed has been noticeably reduced from what was refused under MA/14/0483. The extension of the 2 existing bay window elements to the front would also be in keeping with the overall style and proportion of the building.

- 8.02 The proposed works would no longer appear excessive or over dominant in appearance, and I am therefore satisfied that the development would not appear out of character with the building or the surrounding area. Moreover, the proposal site also adjoins important open space forming the setting for the principal listed buildings to the south, and in my view this proposal would now relate sympathetically with the general architecture of this building and the surrounding housing development. I am therefore satisfied that this proposal has overcome the previous reason for refusal (under MA/14/0483), and raise no objection on visual amenity grounds. The proposal is also now very much in keeping with the residential development previously approved under MA/06/0780.

- 8.03 I am also satisfied that the creation of the 2 parking spaces (on an existing area of hardstanding) would not have an adverse impact on the character and appearance of the surrounding area, as there would be no further operational development here and it would be seen in context with the existing car parking provision within Burdock Court.

## **9.0 Residential amenity**

- 9.01 The south facing windows would directly overlook an open amenity space, with the nearest properties to the south being more than 40m away. Given the nature and angle of the proposed rooflights, there would be limited overlooking into properties in Burdock Court which I do not consider to cause further significant harm to the occupants of these properties given the existing level of overlooking caused by the first and second floor flats of 'Harrietsham House'. I am also satisfied, given the existing level of overlooking caused by the upper floors of 'Harrietsham House' and the properties separation distances, that no property in Tarragon Road or any other street would be significantly overlooked because of the development. In addition, the creation of 2 parking spaces at the end of an existing row of parking, in my view, would have

no further adverse harm on the amenity of local residents in terms of general noise and disturbance.

9.02 I am therefore satisfied that this proposal, because of its scale, design, nature and location, would not appear overwhelming, or have a significant detrimental impact upon the residential amenity of any neighbour, in terms of general noise and disturbance and loss of privacy, outlook, and light.

## **10.0 Highway safety and parking implications**

10.01 The proposal includes the provision of 2 parking spaces for the new flats located at the eastern-end of the existing row of parking spaces in front of 'Harrietsham House'.

10.02 It needs to be considered whether the proposal would give rise to any highway safety matters, whilst bearing in mind the Government objectives to reduce the reliance and use of the private car. I am satisfied that this parking provision is acceptable in this sustainable location, where there is less reliance on the private motor vehicle; and raise no objection on highway safety grounds.

10.03 If future occupants do have more than one car, extra demand for parking spaces in an area does not necessarily mean that highway safety issues would occur. Whilst the possible increase in demand for parking spaces in the area could mean that future or existing users may not be able to park close to their properties, such inconvenience is not grounds for objection. It should also be noted that the Council has not adopted any minimum or maximum parking standards for development like this to adhere to; and I am satisfied that the level of traffic movement to and from the site would be of no more detriment to the amenity of local residents than the current situation. I am also satisfied that the proposal would not have a detrimental impact on the capacity of the local road network. Bearing in mind Government advice to reduce car usage, the sustainable location of the site, and that there would be no significant highway safety issues arising from the development, I consider that an objection on the grounds of parking provision could not be sustained.

10.04 It is apparent that the proposed parking spaces are already used by other properties in Tarragon Road. Whilst this reallocation of parking spaces may result in inconvenience and additional cars parking on the street, to my mind, as outlined above, this does not result in a highway safety issue and is not a reason to refuse this application.

## **11.0 Other considerations**

11.01 Given the scale and nature of the proposal, I am satisfied that there is unlikely to be potential harm caused to protected species and their habitats and therefore consider it unreasonable to request further details in this respect.

- 11.02 As the proposal is to extend an existing building, the applicant is not expected to achieve a minimum of code level 4 in terms of the Code for Sustainable Homes.
- 11.03 I am satisfied, given the proposal's scale, nature and location that no further details are required regarding noise, land contamination, air quality, flood risk or drainage, landscaping and biodiversity.

## **12.0 Conclusion**

- 12.01 The main objections raised by the neighbours have been dealt with in the main body of the report. However, I would like to add that potential disturbance during construction is not a material planning consideration; access to the bin store would remain possible; and the proposal would not result in the significant loss of quality outdoor amenity space.
- 12.02 I am of the view that the proposal would represent appropriate development that would not be visually harmful to the character and appearance of the building or the surrounding area; and would not cause unacceptable harm to residential amenity, or highway safety. It is therefore considered that the proposal is in accordance with the relevant provisions of the Development Plan and the National Planning Policy Framework, and I therefore recommend approval of the application on this basis.

### **RECOMMENDATION** – GRANT 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 building hereby permitted shall match those used in the existing building, unless otherwise agreed in writing by the local planning authority;

Reason: To ensure a satisfactory appearance to the development.

- (3) 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;

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Reason: Development without adequate parking provision is likely to lead to parking inconvenient to other road users.

- (4) The development hereby permitted shall be carried out in accordance with the following approved plans: 14/14/A and 14/14/1/A received 31/07/14 and 04/14/6 received 11/02/15;

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

INFORMATIVES - None

Case Officer: Kathryn Altieri

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.