

## REPORT SUMMARY

<b>REFERENCE NO -</b> 14/502593/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.		
<b>ADDRESS</b> Detling House, Burdock Court, Maidstone, Kent, ME16 0GJ		
<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> Jim Guest Design Ltd
<b>DECISION DUE DATE</b> 24 <sup>th</sup> June 2015	<b>PUBLICITY EXPIRY DATE</b> 11 <sup>th</sup> June 2015	<b>OFFICER SITE VISIT DATE</b> 28/11/14
<b>RELEVANT PLANNING HISTORY:</b>		

MA/14/0485 – Creation of 2 self-contained flats including insertion of dormer windows and associated works – Refused

MA/06/2167 - Alterations to existing block of flats to provide additional 2 flats in roof space including installation of 4 dormer windows – Approved with conditions

MA/06/0817 - Alterations to existing block of flats to provide additional 2 flats in roof space, including 2 dormers on east and 2 dormers on north elevations (resubmission of MA/05/2377) - Refused

MA/05/2377 - Alterations to existing block of flats to provide additional 2 bedroom flats in roof space - Refused

MA/96/0629 – Outline application for redevelopment of site comprising demolition of unlisted buildings on site; the conversion of St. Andrew's House for residential purposes; erection of up to 498 dwellings – Approved with conditions

### Harrietsham House, Burdock Court

14/502595 - Creation of 2 self-contained flats with creation of parking – Approved with conditions

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

### 1.0 Relevant policy

- Development Plan:
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Draft Local Plan: SP2
- SPG4 – Kent Vehicle Parking Standards (July 2006)
- Kent Design Guide Review: Interim Guidance Note 3 (November 2008) – Residential Parking

## **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 had been made by 17 interested parties for this application 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) was also submitted.

3.02 Since the amended parking provision was submitted on drawing no. 04/14/6 received 11<sup>th</sup> May 2015 no neighbour representations have been received.

## **4.0 Site description**

4.01 'Detling House' is a two storey corner block of apartments located in the north-western corner of Burdock Court, accessed from Tarragon Road. Properties in Marigold Way are to the west of the site; there is a parking area to the immediate north; and to the south and east are adjoining houses of Burdock Court which are three storey. 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 (2-bed) self-contained flats. To facilitate this, 4 flat roofed dormer windows would be inserted into the northern and western roof slopes of the existing building (2 on each elevation), along with 10 rooflights. The ridge height of the main roof would not be altered. The proposal also involves the creation of 2 new parking spaces sited close to the western elevation of 'Detling House' (on existing amenity land), which would be accessed from the north of the site through the existing parking area. The bin store would not be affected by the development.

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 A previous application at Detling House for the creation of 2 self-contained flats (MA/14/0485) 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 included the insertion of 11 individually hipped dormer windows, with no alterations to the ridge height.

6.03 Also a material planning consideration is that planning permission was granted in 2007 under MA/06/2167, for a development similar to what is now proposed under this current application. The main differences between the two applications would be the number of rooflights proposed and the location of the 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 positioned beside 3-storey town houses, it clearly forms part of an integrated design. The number of dormer windows has now been significantly reduced and the scale of those proposed has been noticeably reduced from what was refused under MA/14/0485 (from 11 to 4). The proposed works would no longer appear excessive or over dominant in appearance, and would now have a more comfortable relationship with the general architecture of the building; and the surrounding housing development, but particularly with the adjoining town houses. I am therefore satisfied that this proposal has overcome the previous reason for refusal (under MA/14/0485), 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/06/2167.

8.02 I am also satisfied that the creation of the 2 new parking spaces would not have an adverse impact on the character and appearance of the surrounding area, as it would be seen in context with the surrounding existing car parking provision. Whilst the development would result in the loss of some amenity land, which is of grass and planted shrubbery, this is a relatively small area not readily viewed from any public vantage point; and in any case approximately 64m<sup>2</sup> of this amenity land would be

retained. I would not therefore consider this issue to be reasonable grounds to refuse this proposed development.

## **9.0 Residential amenity**

- 9.01 The north facing dormer windows would directly overlook a car park; and whilst there would be a certain amount of overlooking onto the properties and their garden areas in Marigold Way and Tarragon Road, I do not consider it to cause further significant harm to these occupants given the existing level of overlooking already caused by the first floor flats of 'Detling House'. Similarly, the west facing dormer windows would cause a certain level of overlooking onto the properties and their garden areas in Marigold Way, but again given the existing level of overlooking already caused by 'Detling House' I do not consider this to cause significant enough harm to warrant refusal of this application. The proposed rooflights, given their nature, angle and orientation, in my view, would not have a detrimental impact on the living conditions of any local resident.
- 9.02 The creation of parking spaces next to the western elevation of 'Detling House' does have the potential to cause some general noise and disturbance to the occupants of ground floor flat 1 in 'Detling House'. However, the applicant has confirmed that the nearest space will be allocated to the occupants of this flat, reducing any potential amenity harm. It is also my view that the comings and goings of 2 additional cars in this location would not cause significantly more harm to the amenity of the existing residents of Burdock Court or other surrounding properties, given the existing level of open car parking here. With this considered, I do not consider it possible to sustain a reason for refusal on residential amenity grounds in this instance.
- 9.03 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 additional parking spaces located to the immediate west of 'Detling House', one to serve each 2 bedroom flat.
- 10.02 It has been agreed by Members of the Planning, Transport and Development Overview and Scrutiny Committee, and subsequently the Cabinet Member for Planning, Transport and Development, that the two sets of KCC parking standards (The 2006 KCC Supplementary Planning Guidance (SPG), '*Kent Vehicle Parking Standards*' and the 2008 *Kent Design Guide Review: Interim Guidance Note 3 – 'Residential Parking'*) are to be used on an interim basis as a material consideration in determining planning applications pending publication and subsequent adoption of a Parking SPD which can only be done following adoption of the new Local Plan.

- 10.03 The 2006 KCC Supplementary Planning Guidance (SPG) gives a maximum (not minimum) parking standard of 2 spaces per 2-bedroom property; and advice within the 2008 Kent Design Guide Review: Interim Guidance Note, suggests 1 space per 2-bedroom flat. Whilst bearing in mind the Government objectives to reduce the reliance and use of the private car, I am satisfied that the proposed parking provision in this sustainable location (where there is less reliance on the private motor vehicle) is in accordance with these KCC parking standards, and would not result in a highway safety issue. The Highways Officer has raised no objection in this respect.
- 10.04 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.
- 10.05 Access to the proposed parking spaces would be over land in other ownership. The applicant has correctly served notice on the other landowners, and so I am satisfied that the application is valid in this respect, and any disputes between the owners would be a civil matter that needs to be dealt with privately. An outcome of any private dispute could be that access is not possible to the parking spaces. If this was the case, the highway authority has confirmed that they would not be able to sustain an objection to 2 (2-bed) flats not having any parking provision at this location, and so my recommendation would remain unaltered in this instance.
- 10.06 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.

### **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 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 in the determination of this application.

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 development hereby permitted shall be carried out in accordance with the following approved plans: 04/14/A and 04/14/2/A received 31/07/14 and 04/14/6 received 11/05/15;

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.