

REPORT SUMMARY

REFERENCE NO - 15/502568/FULL		
APPLICATION PROPOSAL Erection of one new dwelling.		
ADDRESS 49 Meadow Walk Maidstone Kent ME15 7RY		
RECOMMENDATION		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL 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.		
REASON FOR REFERRAL TO COMMITTEE The applicant is a Ward Member. Councillor English has called application into Planning Committee.		
WARD High Street Ward	PARISH COUNCIL N/A	APPLICANT Mrs Parvin AGENT Mr Loughead
DECISION DUE DATE 24 th June 2015	PUBLICITY EXPIRY DATE 10 th June 2015	OFFICER SITE VISIT DATE 24 th April 2015
RELEVANT PLANNING HISTORY:		

MA/08/0028 - Erection of single dwelling– Approved with conditions

MAIN REPORT

1.0 Relevant policy

- Development Plan: ENV6
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Draft Local Plan: SP2, DM4, DM5
- 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 English called the application into Planning Committee with concerns over scale of proposal.
- 2.02 **KCC Highways:** Raise no objection.
- 2.03 **Landscape Officer:** Raises no objection on arboricultural grounds.

3.0 Neighbour representations

- 3.01 3 neighbours have made representations (56, 58 and 60 Mote Avenue) raising concerns over:
- Loss of privacy/outlook
 - Overshadowing
 - Impact on trees
 - Unacceptable development of garden land
 - Loss of views
 - Highway safety
 - Visual impact/size of development

4.0 Site description

- 4.01 49 Meadow Walk is a detached house on the corner of Meadow Walk with Willow Way that has a side garage and parking space accessed from Meadow Walk. The proposal site slopes down at the rear, northwards towards the long back gardens of properties fronting Mote Avenue; and Mote Park is to the immediate east of the site.
- 4.02 The proposed development specifically relates to the end of the rear garden of 49 Meadow Walk. The garden area is of a general rectangular shape, measuring some 21m in depth that is laid to lawn with a vegetable plot, ornamental planting and domestic outbuildings. The general character of the area is largely residential and made up of detached and semi-detached housing. 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 erection of a detached (4-bed) 2 storey dwelling (with accommodation in the roof) with 2 off-road parking spaces and an integral garage. Located in the rear garden of 49 Meadow Walk, the property would front onto and have its access from Willow Way. Set back more than 3.5m from the highway, the proposed dwelling would have a hipped roof; and in terms of external materials it would be of facing brick at ground floor level and weatherboarding at first floor, with concrete roof tiles. The proposed dwelling would stand some 9m in height from its main ridge line to ground level, and would have an eaves height of some 5m. The projecting element of the property would extend 2.8m from the front elevation, and would stand some 8m in height from its ridge to ground level.

6.0 Background information

- 6.01 Whilst no longer extant, the proposal site did have permission for a detached dwelling that was approved under MA/08/0028. The approved dwelling is of a different design to what is now proposed, but notwithstanding this, the current application must be considered on its own merits.

7.0 Principle of development

- 7.01 Development Plan policy and central Government guidance within the National Planning Policy Framework (NPPF) does encourage new housing in sustainable urban locations as an alternative to residential development in more remote countryside situations; and according to the NPPF, "*Housing applications should be considered in the context of the presumption in favour of sustainable development*". The site is within a sustainable location. However, paragraph 53 of the NPPF does state;

"Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."

7.02 The NPPF does not consider garden land to be 'previously developed land', and whilst there is no presumption in favour of this type of development, it is not prohibited provided that it contributes, protects and enhances the built environment.

7.03 I will now consider the proposal against the relevant policy and guidance.

8.0 Visual impact

8.01 The NPPF makes it clear that all new development should seek to contribute, protect and enhance the built environment, including consideration to the extent to which the development is well integrated with the character of the surrounding area.

8.02 A residential property in this location has already been accepted under MA/08/0028; and whilst this permission is no longer extant, it is still a material planning consideration in the determination of this current submission, as it has previously been accepted that a new residential plot here would not appear out of character in terms of the pattern and grain of development in the wider area. Notwithstanding this, the proposed dwelling would have its own frontage onto Willow Way; it would respect the existing building line along this section of Willow Way; and there are examples of similar garden development along Willow Way, to the south of the proposal site. I would therefore consider it unreasonable to refuse this application on these grounds.

8.03 The proposed dwelling, with its hipped roof design standing some 9m in height, would not be too dissimilar in height and scale with the surrounding properties that are in Willow Way, Meadow Walk and Mote Avenue. The proposal's use of contrasting materials (weatherboarding, facing brick and concrete roof tiles), along with its window surround detailing and well-proportioned openings, would not appear out of keeping given the varied house types and mixed materials palette that exists in the area. To further ensure a satisfactory appearance to the development, a condition will be imposed requesting samples prior to the commencement of any works.

8.04 Whilst there is limited interest to the northern flank of the proposal, this elevation would be largely screened from public view by the existing boundary planting; and in my view the use of contrasting external materials, the property's set back from the road, its hipped roof design, and first floor windows in the southern flank that all provide visual interest would ensure that this proposal would not appear excessively bulky or over dominant from any public vantage point. In addition, the front extending element is set down lower to the main roof line, it is of a hipped roof design, it would project outwards a modest distance, and its proportions are in keeping with the overall form of the main building. This feature would also remain set back more than 3.5m from the verge, further ensuring the proposal's positive relationship with the character and appearance of the street and wider area. To my mind, the low level front boundary treatment and native landscaping would also open the site, and

would be an improvement on the existing blank 1.8m-2m high boundary treatment.

8.05 The site has no protected trees within or close to the site; the Landscape Officer accepts there are no other trees of merit within the site; no objection is raised to the loss of any of the existing planting; and they are satisfied that there are no significant trees which would form a constraint to this proposal. The applicant has also confirmed they will plant a native hedgerow along the front boundary to enhance the site's frontage, and to ensure this a landscaping scheme will be required by way of a pre-commencement condition.

8.06 I am therefore of the view that the proposed development would not appear out of context, cramped or visually incongruous within the setting of the wider area, but a cohesive development that would not cause significant visual harm to the character and appearance of the street. I do not therefore consider the proposal to be inappropriate garden development.

9.0 Residential amenity

9.01 The closest property to the proposed development is 49 Meadow Walk. I am satisfied that the proposal would not result in a harmful loss of light, outlook and privacy (internally and externally) for the occupants of 49 Meadow Walk, given the 12m separation distance between the 2 houses; the proposed 2.4m high close boarded fencing; the hipped roof design of the new house; and the obscure glazed and fixed shut nature of the first floor southern flank openings (to be ensured by condition). I would also add that I have no objection to the new boundary treatment along the southern boundary, in terms of its impact on the amenity of 49 Meadow Walk's amenity; and because the proposed dwelling would be set in about 1m from this boundary; and sited within the plot more eastwards than 49 Meadow Walk, it would not appear oppressive enough to warrant refusal. The impact of the proposal would also be reduced by the drop in land level.

9.02 Equally, for the same reasons above and because the proposed first floor rear openings would not directly overlook the immediate private garden areas of these houses (given the proposed property's orientation), I am also satisfied that the living conditions of the other properties in Meadow Walk would not be adversely affected.

9.03 With regards to the properties in Mote Avenue, the proposed dwelling would be more than 25m away from any property; no first floor openings are to be inserted into northern flank of the property; and again the first floor rear openings would not directly overlook the immediate private garden areas of these houses. The existing boundary treatments would also be retained, ensuring adequate levels of privacy would be retained; and the proposal, given its scale and location, would not harmfully overshadow the rear gardens of these properties enough to justify refusal.

9.04 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 Amenity for future occupants

10.01 Given the orientation, internal layout and fenestration detail of the proposed property; its separation distance from existing properties; and the adequately sized garden and suitable boundary treatments, I am satisfied that future occupants would benefit from acceptable (internal and external) living conditions.

11.0 Highway safety and parking implications

11.01 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.

11.02 The proposal includes the provision of 2 off-road parking spaces located to the front of the property. Whilst the 2006 KCC Supplementary Planning Guidance (SPG) gives a maximum (not minimum) parking standard of 3 spaces per 4-bedroom property, the most recent advice within the 2008 Kent Design Guide Review: Interim Guidance Note, suggests 1.5 spaces for a property of this size on the edge of town and 2 spaces for a suburban location. I am satisfied that the proposed parking provision in this sustainable location is in accordance with these KCC parking standards, and the Highways Officer has raised no objection in this respect.

11.03 Given the grass verge (some 2m in depth) that separates the proposal site from the highway, I am satisfied that the front boundary treatments are suitable and would not cause a highway safety issue. The Highways Officer has again, raised no objection in this respect.

11.04 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; and I am also of the view 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.

12.0 Other considerations

12.01 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.

12.02 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.

13.0 Conclusion

13.01 The concerns raised by Councillor English and the local residents have been addressed in the main body of this report, and I would like to add that 'loss of a view' is not a material planning consideration in the determination of this application.

13.02 In my view, this proposal is acceptable in principle and it would not cause harm to the character and appearance of the surrounding area or upon the amenity of future occupants and surrounding neighbours. 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 conditional 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 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 (to include weatherboarding, facing brick and swift bricks), and the front boundary treatment 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 and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To ensure a satisfactory appearance to the development.

- (3) The development shall not commence until details of the proposed materials to be used in the hardsurfacing 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 a satisfactory appearance to the development.

- (4) Before the development hereby permitted is first occupied, the first floor southern flank windows and the windows in the first floor western elevation serving a bathroom and an ensuite facility 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.

- (5) No new windows or other openings shall be inserted into the first floor flank elevations without the permission of the Local Planning Authority;

Reason: To safeguard the enjoyment of their properties by existing and prospective occupiers.

- (6) Prior to the first occupation of the property hereby approved, the hard boundary treatments as shown on drawing reference '02 Indicative Landscaping Plan' (received 26th May 2015), shall be fully implemented and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

- (7) 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 and shall include;

- i) Details of the species, size, density and location of all new planting within the site;
- iii) Details of native planting along the front (eastern) boundary of the site.

Reason: To ensure a satisfactory setting and external appearance to the development.

- (8) 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.

- (9) 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 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- (10) 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) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further extensions, or enlargements or alterations to the roof, 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.

- (11) The development hereby permitted shall be carried out in accordance with the following approved plans: 001 Rev B and Planning Layout 01 Rev B received 26/05/15;

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

INFORMATIVES

- (1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Planning Committee Report

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.