

REPORT SUMMARY

REFERENCE NO - 15/502680/FULL			
APPLICATION PROPOSAL: Retrospective planning permission for the construction of ancillary domestic outbuilding to provide a garage, home office and gym			
ADDRESS Timberden Boxley Road Maidstone Kent ME14 2DT			
RECOMMENDATION: APPROVAL			
SUMMARY OF REASONS FOR RECOMMENDATION The development is considered to comply with policy H18 of the local plan and therefore does not warrant a refusal.			
REASON FOR REFERRAL TO COMMITTEE Requested by Councillor Long that the application is reported to planning committee in the event of an officer recommendation for approval.			
WARD: North Ward	PARISH/TOWN COUNCIL: N/A	APPLICANT: Miss Samantha Johnson AGENT: Kevin Wise	
DECISION DUE DATE: 04/09/15 (PPA)	PUBLICITY EXPIRY DATE: 18/05/15	OFFICER SITE VISIT DATE: 21/05/15	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
12/1643	Erection of a two storey front extension, two storey rear extension, new chimney to side elevation, a detached garage, alterations to ground levels and extension of driveway and parking area.	APPROVED	31/10/12

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01. The proposal site comprises of a two storey detached residential property known as Timberden situated within the urban area. The property is situated within the North ward of the borough on the west side of Boxley Road around 100m south of the M20. The immediate surrounding area comprises of predominantly two storey detached and semi-detached houses. The property fronts towards the east and onto the road itself where opposite lies Bull Cottages. The dwelling has a driveway to the front of the site and a relatively long garden to the rear, which includes the outbuilding and garage, subject to this application, which is accessed by a driveway running along the northern boundary of the site. To the north of the site lies the neighbouring property of Treetops and to the south lies Giralda and the rear of the properties situated along Boxley Close. The land slopes downwards from south to north and because of this the properties along Boxley Close sit slightly higher than the proposal site. Other than Timberden and Treetops the immediate surrounding houses tend to have relatively small gardens in comparison. The proposal site falls under a blanket tree preservation order and there is one tree to the rear of the site but other than that the site has no planning constraints or restrictions.

2.0 PROPOSAL

- 2.01 The application is retrospective for the construction of an ancillary domestic outbuilding to provide a garage, office and an additional room listed as a games room on the plans provided for domestic use. The building is positioned to the rear of the garden and has an access driveway running along the northern boundary. The building fronts towards the north.
- 2.02 The building is of an 'L' shape and is made up of timber weatherboarding over a facing brickwork plinth walls with a slate roof and white upvc windows. The garage door would be blacked pressed steel. The building has a depth of around 17.5m, a maximum width of 11m and a maximum height of 4m with a pitched roof. The garage is large enough for one car and there is also a parking and turning area outside of the building. The building has not been fully completed and has been cut into the ground.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF):
National Planning Practice Guidance (NPPG)
Development Plan: H18
Supplementary Planning Documents: Residential Extensions Supplementary Planning Document (May 2009)

4.0 LOCAL REPRESENTATIONS

7 letters of objection have been received; which includes one from Councillor Chittenden. Objections to the proposal are on the following grounds:

- Inconsistency and inaccuracy in application details and plans
- The building is of an excessive scale out of character with the area
- Materials used contrast appearance of surrounding dwellings
- Loss of protected trees

- Works have destabilised land resulting in ground collapse and land slippage
- Building will cause noise and disturbance due to vehicle and pedestrian traffic
- Loss of outlook
- Loss of privacy
- Extra parking unnecessary for a home office
- Concerns that building will be used for business and commercial purposes
- Increased traffic
- The height exceed permitted development criteria
- The building has had a negative impact upon the landscape of the area
- Retaining wall was only recently backfilled
- Concern that the steel pile retaining wall adjacent to 'Treetops' is haphazard
- Building has a greater floor space than the existing house and overwhelms the property
- Poor relationship with existing dwelling

5.0 CONSULTATIONS

Two consultee comments have been received.

1. KCC Highways & Transportation

This development proposal does not meet the criteria to warrant involvement from the Highway Authority.

2. Heritage, Landscape & Design

As this is a partially retrospective application and construction activity has already taken place within the root protection areas (RPAs) of protected trees, any potential damage to tree roots and soil structure may have already occurred. In this context, the requirement for a tree plan and arboricultural method statement is now immaterial.

6.0 BACKGROUND PAPERS AND PLANS

1893-001 - Site Location Plan

1893-200 REV B - Floor, Block Plans, Elevations & Section

Agent Cover Letter 25.03.15

7.0 APPRAISAL

Principle of Development

- 7.01 Domestic outbuildings are acceptable subject to meeting the criteria set out in policy H18 of the local plan. I would consider the main issue to consider with this application to be the impact upon the host building and the impact upon the surrounding area and amenities of neighbouring properties. The impact upon protected trees also needs to be considered.

Fall-back Position

- 7.02 There is a case to be made that the proposed development is permitted development under Class E of Part 1 of Schedule 2 to the Town & Country Planning (General Permitted Development) Order (which can allow outbuildings).
- 7.03 In my mind the main issue and debate regarding whether the building would fall under permitted development is the height of the building and where the height is taken from. Given that the building falls within 2m of the site boundary it must not exceed 2.5m in height to be considered permitted development. An appeal case in Maidstone at Bow Hill Oast (12/1319) for a certificate of lawful development for an outbuilding also positioned on sloping land is similar to this case. The inspector considered here that the level of the highest part of the surface of the ground adjacent to the development is the point where the height should be taken from. From this decision I would consider that the height of the proposed outbuilding should be measured from the highest adjacent land which is to the south. When measured from the highest adjacent land that the building does not exceed the 2.5m height restriction, with a height of 1.9m, and would therefore be considered permitted development. However, as an application has been submitted it must be assessed against policy H18 of the local plan. It is acknowledged that a contrary view was taken under the enforcement investigation into this building; however this is the current view.

Visual Impact

- 7.02 The proposed outbuilding is located to the rear of the existing property. It is set back approximately 85m from Boxley Road, around 60m from Neville Close and 35m from Boxley Close. The building has little to no visibility from surrounding roads because of the screening in the form of buildings and trees and would therefore not have a detrimental impact upon the street scene. Whilst there are no other outbuildings of this size in the immediate area because it is well screened I would not consider the building to be unacceptable in terms of visual impact upon the area.
- 7.03 The proposal site comprises of a two storey detached dwelling. The proposed outbuilding has a slightly larger footprint than the existing property; however it is only of single storey and is not in my mind of an excessive height. The outbuilding is also set well away and to the rear of the property. I would therefore consider the proposed outbuilding to be subservient in scale and position to the original dwelling and to not have an adverse effect upon its character.

Residential Amenity

- 7.04 Policy H18 states that it will permit additions to residential properties provided that the development will respect the amenities of adjoining residents regarding privacy, daylight, sunlight and maintenance of a pleasant outlook.
- 7.05 The proposed outbuilding is of single storey and only includes windows on the north and west elevation. There is good screening in place surrounding the site in the form of 6ft fencing and vegetation. I would therefore not consider the proposed development to cause any privacy or overlooking issues with any neighbouring property. The development also includes roof light windows on east and north elevation. Because of the angle they are positioned at I would also not consider these to cause any privacy issues.
- 7.06 I would also consider because of the scale, position and screening in place that the proposed development would also not result in a significant or unacceptable loss of light to any neighbouring property.

- 7.07 The proposed development, because of its position, scale and the screening surrounding the site would only be easily visible to a small number of properties situated to the south on Boxley Close. I have visited some of the properties and due to the excavation works that have taken place and the natural land heights the development sits well below these properties and only the roof is easily visible when looking downwards. I would not consider this to be an unacceptable loss of outlook in an urban location to these properties and I would therefore consider the proposal to respect the outlook of surrounding neighbouring properties.

Noise Impact

- 7.08 The development includes a single garage and turning area. A driveway is shown on the plans along the northern boundary of the site. Whilst this would introduce some noise from vehicles I do not consider that this would be at such a level to be objectionable. Given that the building is proposed to be used as a domestic building I would consider it unlikely that vehicles would be frequently driven along the new created driveway. Because of this and the proposed use of the building I would not consider the development to have unacceptable or detrimental noise impact upon the surrounding area.

Highways and Public Safety

- 7.09 It is not considered that the proposed development would have a detrimental impact upon highway safety. KCC Highways & Transportation were consulted on the application and it was considered that the proposal did not warrant their involvement.

Protected Trees

- 7.10 It is considered by the landscape officer that as the application is retrospective that any potential damage to tree roots and soil structure may have already occurred and in this context the requirement for a tree plan and arboricultural method statement is now immaterial. The landscape team do not consider that there is currently evidence to demonstrate that damage to the trees has actually occurred. However, to prevent further compaction a condition has been requested and attached in relation to the turning area.

Other Issues

- 7.11 Concerns have been raised regarding land stability and land fall away caused by the proposed outbuilding. In planning, land stability can be a consideration; however it relates to the stability of the land the development is being built upon and is mainly a consideration when a development is taking place above old mines, quarries, and unstable land etc, not the impact upon neighbouring gardens. The potential impact upon or damage to neighbouring properties is a civil matter and paragraph 120 in the NPPF states that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

8.0 CONCLUSION

- 8.01 For the above reasons it is recommended that planning permission be granted subject to conditions. I would also like to remind members of the fall-back position that the development is considered to be permitted development.

9.0 RECOMMENDATION – GRANT Subject to the following conditions

10.0 CONDITIONS to include

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 building hereby permitted shall only be used for purposes ancillary to the use of the dwelling as 'Timberden'.

Reason: In order to protect the amenities of neighbouring properties.

3.

Permanent hard surfacing required for the driveway/turning area within root protection areas (RPAs) of retained trees (as defined in BS5837: 2012) shall be of 'no dig' construction, incorporating an appropriate load spreading mechanism suitable for expected loads and constructed from permeable materials.

Reason: To ensure the successful retention of retained trees subject to Tree Preservation Order No16 of 2006 under section 198 [201] and 203 of the Town and Country Planning Act 1990.

Case Officer: James Moysey

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.