

REPORT SUMMARY

REFERENCE NO - 16/507158/FULL		
APPLICATION PROPOSAL Erection of an annex with store room above, roof lights and external stair case.		
ADDRESS 7 Cavendish Way Bearsted Kent ME15 8PW		
RECOMMENDATION - Permit		
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, the Submission Version of the Maidstone Borough Local Plan, 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 <ul style="list-style-type: none"> - Application has been called to Planning Committee by Councillor Springett - Bearsted Parish Council wish to see the application refused 		
WARD Bearsted	PARISH COUNCIL Bearsted	APPLICANT Mr & Mrs Ryder AGENT MRW Design
DECISION DUE DATE 09/12/16	PUBLICITY EXPIRY DATE 01/12/16	OFFICER SITE VISIT DATE 19/10/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

15/503039 - Non Material Amendment to 14/500583 being 2 additional roof windows, alterations to ground floor layout and mirroring garden layout – Approved

14/500583 - First floor and rear extension, detached garage and creation of dwelling to create pair of semi-detached houses – Approved

MA/14/0349 – Dwelling to rear of property – Refused (dismissed at appeal)

MA/88/1555 - Extension of bungalow - Refused

MAIN REPORT

1.0 Site description

1.01 7 Cavendish Way is a semi-detached chalet-style bungalow that is located opposite the junction with Shirley Way. The property benefits from a front driveway and on-street parking is available in the area. A public right of way (KM79) runs along the rear boundary of the site; and there are a number of garages associated to properties in Cavendish Way that have access from this track. Vehicles can enter at the southern-end of the track but there is no through-fare to the north. For the purposes of the adopted Local Plan, the proposal site is within the defined urban area.

2.0 Background information

2.01 The dwelling proposed under MA/14/0349 was located perpendicular to the rear boundary of 7 Cavendish Way; it measured some 11m by 6.7m in floor area; it stood some 5.6m in height; it had openings on all four sides; it had a front porch; and 2 parking spaces were provided. Planning permission was refused because it would *“.....represent development at odds with the prevailing pattern of development comprising ancillary buildings fronting the bridleway and would therefore be harmful to the character and appearance of the locality”*. This application was subsequently dismissed by the Planning Inspectorate who commented that *“...while the proposed dwelling would be similar to many others in this plainly urban setting, its siting would be at odds with the established pattern of development.....and the proposed dwelling, which would be significantly wider, taller and deeper, would represent a prominent and incongruous feature in the area”*.

2.02 After this, planning permission was granted for a triple-bay garage under 14/500583, which saw the property also split into 2 separate residential units. This garage would sit parallel with the rear boundary of 7 Cavendish Way; would measure some 9.5m by 5.8m in footprint; would stand some 5m in height; and the garage doors would face onto the track.

2.03 The original plans for this application showed an external staircase to access the roof storage area and through further negotiations this has been internalised.

3.0 Proposal

3.01 This application is for the erection of an annexe that is to be occupied by the elderly parents of the owners of 7 Cavendish Way.

3.02 The building will be located parallel to the rear boundary of 7 Cavendish Way; it would measure some 11m by 6.3m in footprint; it would stand some 5.5m in height; and 3 'false' garage doors would front onto the track. One parking space to the side of the building would be provided. Internally, the annexe would provide 1 bedroom, study and living area, with storage space in the roof to be largely used by the occupants of 7 Cavendish Way.

4.0 Policies and other considerations

- Maidstone Borough-Wide Local Plan 2000: H18
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Maidstone Local Plan (Submission version): DM1, DM8
- Supplementary Planning Document – 'Residential Extensions'

5.0 Consultee responses

5.01 **Councillor Springett:** Wishes for the application to be reported to Committee;

"I am concerned that yet another attempt is being made to squeeze a two storey dwelling at the rear of 7 Cavendish Way. This is a most odd 'land locked' location with poor access via a bridleway, which will have a detrimental effect on the character of the area and cause a loss of privacy to adjacent properties. It has previously been refused by both Maidstone Borough Council and by a planning inspector on appeal."

5.02 Further comments from Councillor Springett are as follows;

"I am writing to raise my concerns regarding the proposal to install an independent cesspit to serve the annexe. In my experience, when these are emptied there are significant unpleasant odours released and this would be extremely unpleasant for the residents of the many nearby properties and could have a very detrimental impact on the nearby fish and chip shop and Chinese takeaway if emptying took place during their opening hours. In addition, the design of some cesspits allows for water to drain from the top of the tank into the surrounding ground, which in this case would either be residential gardens or a public footpath. Could I ask that Environmental Health be consulted in this respect. Furthermore, in order to comply with the requirement of the Public Rights of Way Officer that the footpath not be blocked at any time, a condition needs to be applied to require the vehicle used to empty the cesspit to access the tank via 7 Cavendish Way and not park in the access lane/ public right of way for the purpose of emptying the cesspit. Could I therefore ask for this drainage issue to be considered very carefully if you are minded to recommend approval of this application. I would also ask that a further condition be applied to ensure that the annex can only be occupied by relatives of the occupants of 7 Cavendish Way and not be permitted to be rented out at any time."

- 5.03 **Bearsted Parish Council:** Wish to see the application refused and reported to committee;

"We raise objection to this development, supporting the objections of the closest neighbour and in the knowledge that a residential development at the rear of this property has already been refused by MBC."

- 5.04 **Environmental Health Officer:** Raises no objection to the installation of a cess pit.

- 5.05 **KCC Public Rights of Way Officer:** Raises no objection.

- 6.0 Neighbour responses:** 4 representations received raising concerns over;

- *Not appropriate location for new dwelling*
- *Overlooking/loss of privacy*
- *Harmful visual impact*
- *Over development of site*
- *Parking provision*
- *Pressure on mains sewer*
- *At odds with pattern of development in area*
- *Unsuitable access to rear for vehicles*
- *Could encourage criminal behaviour*

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 Whilst not specifically referring to annexes, saved policy H18 of the adopted Local Plan seeks to ensure any additions to residential properties do not have an adverse impact upon the character of the main house and the surrounding area; and do not have a detrimental impact upon the amenity of local residents or highway safety.

- 7.03 The Council's Supplementary Planning Document – 'Residential Extensions' is also of relevance and states that outbuildings should be ancillary in scale to the main house; fit well within the streetscene; and not have a detrimental impact upon the living conditions of local residents. The National Planning Policy Framework (NPPF) seeks good design in sustainable locations.

- 7.04 The submitted version of the Development plan went to the Secretary of State for examination on the 20 May 2016 and is currently under examination which is expected to finish in December of this year. The emerging Plan is considered to hold significant weight; and there is policy support for this type of development in this location, subject to its details which the report will go on to assess.

- 7.05 I will now consider the proposal against the criteria set out in this relevant policy and guidance.

8.0 Visual impact and design

- 8.01 In this urban setting, the proposed annexe would respect the pattern of development in the area as it would be orientated towards the track; and the 3 'false' garage doors as a frontage would provide a strong relationship between the annexe and other garages/outbuildings along the western edge of this track.

8.02 The dwelling refused under MA/14/0349 and dismissed at appeal, whilst of a similar scale, was orientated away from the track going against the grain of development in the area; and it took on the appearance of a house rather than an ancillary building. This proposal, through better design and siting has addressed these issues and given that the proposal is now for an annexe there is a clear relationship with the main house and I am satisfied that that it will no longer “...appear as a house awkwardly confined in a back alley” as the Planning Inspector put it.

8.03 It is accepted that the proposed building is not of a too dissimilar scale to the building proposed under MA/14/0349 and that the Planning Inspector commented here the building would “...represent a prominent and incongruous feature in the area”. However, since this time planning permission has been granted for a 3-bay garage under 14/500583 and this proposal is generally of the same design and in the same location as this building; and the proposal is only marginally larger than this building which can still be built-out. For clarification, the proposal would be a modest 0.4m taller; and for the external staircase to be internalised (to ensure the residential amenity of surrounding properties), it would be approximately 1.5m longer. In my view, given the simple design, scale and orientation of the proposal, it would appear no more visually intrusive than the garage building that has extant planning permission.

9.0 Residential amenity

9.01 The nearest property to the proposal is 7a Cavendish Way which adjoins 7 Cavendish Way. The annexe would be more than 23m away from this property’s rear elevation; and would be more than 10m from its rear boundary. Given this distance, I am satisfied that the proposal would not result in a significant loss of light to this property. Furthermore, the proposal is single storey, and existing boundary treatments would ensure acceptable levels of privacy at ground floor level. With regards to the rooflights serving the storage area, these will be conditioned to be fixed shut and obscure glazed. I am also satisfied that the intended use of the building would not result in unacceptable noise and disturbance for any local resident; and no other residential property would be within a significant enough distance of the proposal for their residential amenity to be adversely affected.

9.02 The applicant has suggested that a cess pit could be used for the annexe’s foul sewage and the Environmental Health Officer has no objection to this in terms of residential amenity.

10.0 Highway safety implications

10.01 The proposal would provide a single parking space, accessed from the track that runs along the eastern boundary of the site. There are a number of garages accessed by this track and I am satisfied that the addition of 1 further vehicle using this track would not result in a highway safety issue. Furthermore, 7 Cavendish Way would still benefit from 2 off-road parking spaces and there is on-street parking available in the area, and so no objection is raised in terms of parking provision. I would also add that whilst the Planning Inspector commented under MA/14/0349 that the track is “...unsuitable as a sole means of vehicular access to a dwelling”, this proposal is for an annexe where refuse and deliveries for example would still be via 7 Cavendish Way.

10.02 It should also be noted that KCC Highways did not raise an objection to the 3-bay garage under 14/500583 that would also have to use the track.

10.03 KCC Public Rights of Way also raised no objection to this proposal and they are satisfied that it would not affect the public footpath that runs along the eastern boundary of the site.

11.0 Other considerations

11.01 The garden space will not be subdivided; only 1 parking space will be provided next to the annexe suggesting it will be a secondary access to the main house; and refuse collection will be from the main house. I am therefore satisfied that this building will be used as an annexe to 7 Cavendish Way and not as a separate self-contained unit, and the relevant occupancy condition will be imposed to ensure this is maintained.

11.02 It is considered unreasonable to impose a condition restricting where the vehicle to empty a cess pit will go (which is not currently installed and may or may not be used), as the potential blocking of a right of way for a temporary period is not considered to be unacceptable in planning terms and there are no restrictions for other properties using the access track. Therefore, such a condition would not meet the six tests as set out in the NPPG. Notwithstanding this, Councillor Springett has requested that an informative be added to advise the applicant to carefully consider how they intend to deal with foul sewerage in terms of its impact upon local residents. This is considered reasonable and will be added.

11.03 The issues raised by Councillor Springett, Bearsted Parish Council and the local residents have been addressed in the main body of this report. However, I would add that I do not consider the proposal's potential encouragement or not of criminal behaviour to be a reason to refuse this application.

11.0 Conclusion

11.01 The previous application was approved refused and dismissed at appeal because the development would have gone against the pattern and grain of development in the area and would have appeared visually incongruous. In my view, this proposal has overcome these objections. Furthermore, a significant material consideration in the determination of this application is also the fact that there is an extant permission for a 3-bay garage which is of a similar scale and design, and in a similar location.

11.02 I am of the opinion that this proposal would not cause any demonstrable harm to the character, appearance and amenity of the surrounding area; and would not cause unacceptable harm to the living conditions of neighbouring properties or highway safety. I therefore consider that this proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant and recommend conditional approval of the application on this basis.

12.0 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 any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority. 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) Before the development hereby permitted is first occupied, all rooflights shall be obscure glazed and shall be incapable of being opened and shall subsequently be maintained as such;

Reason: To safeguard the privacy of neighbouring properties.

- (4) The additional accommodation hereby permitted shall only be used as additional accommodation ancillary to the principal dwelling (7 Cavendish Way) and shall not be sub-divided, separated or altered in any way so as to create a separate, self-contained residential unit;

Reason: To ensure the amenity of future occupants and neighbouring properties.

- (5) The development hereby permitted shall be carried out in accordance with the following approved plans: PL201A and 202 A received 01/11/16;

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

INFORMATIVES

- (1) Kent County Council has a controlling interest in ensuring that the bridle path is maintained to a standard suitable for use by pedestrians, horse riders and cyclists. Any maintenance to the higher level required for continuous motorised vehicular access would be the responsibility of the relevant landowners. The granting of planning permission confers no other permission or consent on the applicant; and no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact the Highways Authority before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- o The applicant pays for the administration costs
- o The duration of the closure is kept to a minimum
- o Alternative routes will be provided for the duration of the closure.
- o Minimum of six week notice is required to process any applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent. The successful making and confirmation of an order should not be assumed.

- (2) The applicant is advised to give careful consideration in deciding on non-mains drainage solutions in terms of its potential impact upon local residents.

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.