

REFERENCE NO - 21/502269/FULL		
APPLICATION PROPOSAL Erection of 1no. single storey, three bedroom dwelling with associated access, amenity area, parking and cycle store.		
ADDRESS Timberden Boxley Road, Maidstone, Kent, ME14 2DT		
RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal is acceptable in relation to the potential visual impact on Boxley Road, (as well as the access road), the development would have no significant visual impact, or cause any loss of amenity to neighbouring properties, nor would any detrimental highways impact occur. The development is in keeping with local and national planning policies, and approval is recommended subject to planning conditions.		
REASON FOR REFERRAL TO COMMITTEE Concerns have been raised regarding the impact upon the character and appearance of the area, potential impacts upon protected trees, landscape, residential amenity and highway safety.		
WARD North Ward	PARISH/TOWN COUNCIL N/A	APPLICANT Mr S Roche AGENT Mr J Collins
TARGET DECISION DATE 03/09/2021 (EOT)		PUBLICITY EXPIRY DATE 07/07/2021

Relevant Planning History

- 0.1 The current application site forms the middle grassed section of the original garden of the retained residential property called Timberden. The retained residential property called Timberden is at the eastern end of the original plot and fronting Boxley Road.
- 0.2 The planning history provided below relates to the rear (western) part of the site that is occupied by the building approved under 15/502680/FULL. This building was converted to a one-bedroom dwelling under 20/505837/FULL.
- 0.3 15/502680/FULL- Retrospective planning permission for the construction of ancillary domestic outbuilding to provide a garage, home office and gym. Permitted 04 September 2015
- 0.4 19/503681/FULL- Section 73: Minor material amendment to condition 1 and variation of condition 2 to application 15/502680/FULL for the construction of ancillary domestic outbuilding to provide a garage, home office and gym - with amendment to the timber framed extension for wood storage and changes to the interior layout to facilitate the structures use as a self contained annexe. Permitted 18 October 2019

- 0.5 20/505837/FULL- Change of use of a self-contained annexe to a one-bedroom dwelling with unrestricted residential use, with associated amenity area and parking. Permitted 05 February 2021.

1 DESCRIPTION OF SITE

- 1.01 The application site forms part of the rear garden of the residential property called Timberden that is located on the western side of Boxley Road. The original Timberden plot had a length of approximately 100m. This land now includes the detached one-bedroom dwelling at the western end of the site that was originally an annexe. An access road runs almost the entire length of the northern boundary, with this road providing access to the separate dwelling at the rear (western) end of the site.
- 1.02 As detailed above, three planning applications have previously been submitted that relate to land at the western end of the original Timberden Plot. These applications firstly sought permission to build an incidental outbuilding then, secondly to convert the approved building to a residential annexe and finally convert it to an independent dwelling. The site as it exists now is the first image below, with the second image showing the site if the current application is approved.

Image 1: Current layout at the top, with proposed at the bottom.



2. PROPOSAL

- 2.01 The current application seeks planning permission to erect one single storey three-bedroom dwelling with associated access, amenity area, parking and cycle store. This property will be on land between the original Timberden property to the east and the dwelling (20/505837/FULL) to the east.
- 2.02 Should planning permission be forthcoming, there would be three dwellings located on the original 'Timberden' plot.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:
SS1 – Maidstone borough spatial strategy
SP1 – Maidstone urban area
DM1 – Principles of good design
DM11 – Residential garden land

The National Planning Policy Framework (NPPF 2021):
Section 12 – Achieving well-designed places

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.1 In addition to the site notice, 10 neighbouring properties were consulted regarding the proposed development.
- 4.2 Two representations were received. One in objection and one neutral. Both raise concerns regarding impacts upon the character and appearance of the area, and loss of privacy.
- 4.3 There are concerns about the impact of the development on trees, specifically, the Sycamore that is proposed to be removed. Concerns are raised regarding the retaining wall and damage to property.

5. CONSULTATIONS

Councillor Ian Chittenden.

- 5.01 Objection: The previous backland development on this site involved a considerable amount of time by MBC officers and local councillors dealing with numerous justifiable complaints including:
- Lack of support to excavated areas resulting in collapses and movement to adjacent gardens.
 - Substantial changes to the size of the building after planning permission had been given for a smaller one.
 - Excavating above and through area of roots to adjacent TPO tree.
 - There is still concerns as to whether the building is now being used for accommodation without permissions, and whether the terms of the planning conditions have been fully met including the provision of Bat boxes.
 - With regard to this current application, this is clearly backland development resulting in Urban Cramming within one narrow garden plot.

- There is particular concern in relation to the increased number of vehicles exiting onto Boxley Road. It is already dangerous because of the lack of adequate visibility splay created by the existing tall retaining wall and would suggest that with additional dwellings, an adequate visibility splay needs to be provided for safety reasons.
- There is concern relating to the construction period and would ask that we ensure a Construction Management Plan is provided to include the following:
 - The means of providing a safe access to and from the site for construction vehicles, especially larger vehicles which will not be able to turn around on the site and the problem of limited visibility on exit.
 - Clear statement as to how excavations adjacent to boundaries of other properties are to be retained safely during construction.
 - Statement on working hours as this was a major problem previously with much of the work being carried out over weekends.

6. APPRAISAL

Main issues

6.01 The key issues for consideration relate to:

- Principle
- Character and appearance
- Amenity issues
- Highways
- Biodiversity

Principle

6.02 The proposal site is located within the Maidstone urban area. Policies SS1 and SP1 state that the Local Planning Authority will focus new development principally within the Maidstone urban area.

6.03 Within the urban area and outside the town centre boundary, identified in policy SP4, policies aim to maintain a good place to live and work. This will be achieved by development and redevelopment or infilling of urban sites in a way that contributes positively to the locality's distinctive character.

6.04 Development will not be permitted unless it accords with other policies in the Plan. Policies seek to ensure new development does not result in unacceptable harm to the character and appearance of the area; that the amenity of existing and future residents is respected; and highway safety has been considered.

6.05 The application site is a suitable location for a new dwelling, and as such a positive determination will be subject to the above design and amenity considerations.

Character and appearance

6.06 Policy DM1 details out how development must respond positively to, and where possible enhance the character of the area and that any detrimental effects to the landscape must be appropriately mitigated. DM11 continues stating that "The higher density resulting from the development must not result in significant harm to the character and appearance of the area".

6.07 The proposed dwelling is a single storey bungalow, with a hipped roof form. The bungalow is 5.4m in height with a maximum breadth of 13.5m and a depth of 8.3m.

- 6.08 The material schedule submitted with the application indicates that the bungalow would be finished in 'Vandersanden Old Farmhouse Stock' facing bricks, 'Marley Eternit Acme Heather' roof tiles with black PVC windows, doors, fascia & soffits. The bungalow has three bedrooms, with the plot accommodating two parking spaces as well as a dedicated cycle store.

Image 2: OS Extract showing character and appearance of the local area.



- 6.09 Typically, when considering an application for a new dwelling on garden land the assessment is based on the potential impact on the character and appearance of the surrounding area, including the plot layouts and plot sizes of nearby houses.
- 6.10 In the context of the application site (and the neighbouring property to the north 'Treetops') the length (100 metres) and width of the original land plot was out of character with the general pattern of local development. The general pattern of local development consists of detached, semi detached and terraced houses on plots of modest proportions.
- 6.11 All the surrounding dwellings such as those along Boxley Close are situated on much shorter (30m typically) and slightly narrower plots. Despite the 'triple' subdivision the proposed dwelling would still be located upon a plot that is of similar size to those of Boxley Close.
- 6.12 Timberden itself is situated on a plot approximately 550m² in size with the dwelling itself 75m². The dwelling at the western end of the application site is situated on a plot approximately 500m² in size and the dwelling with a floor space of 135m². The

proposed dwelling is situated on a plot approximately 330m² in size (not including the access road) and the dwelling 110m².

- 6.13 When originally considering the principle of a building at the rear eastern end of the original Timberden curtilage, the Council were considering a retrospective planning application for an ancillary domestic outbuilding to provide a garage, home office and gym (15/502680/FULL). The ancillary domestic outbuilding was then converted to provide a residential dwelling.
- 6.14 Whilst there was this long route to providing a house, it is likely that a dwelling would have been approved if this had been specified in the original application. This is because the plot size fits with others in the locality and there are no other issues such as neighbour amenity concerns. It is also highlighted that there are generous permitted development allowances that would have allowed a sizable outbuilding in this location without the need for planning permission.
- 6.15 The proposed dwelling would not be visible from the street and as detailed above another dwelling to the rear of Timberden has recently been allowed based on its lack of harm on the character and appearance of the area.
- 6.16 No harmful impact has been found from this development in terms of design and impact upon the character and appearance of the area, and as such the development is in keeping with local and national planning policies.

Amenity

- 6.17 Policy DM1 states that applications must respect the amenity of neighbouring properties and that development must not result in overlooking, visual intrusion, loss of privacy or light enjoyed by nearby properties, nor should occupants be impacted upon by vehicle movements. Policy DM11 continues this theme stating that development must not result in significant loss of privacy, light or outlook for adjoining properties.
- 6.18 In terms of the impact of the existing dwelling at the rear of 'Timberden' it was previously assessed that the additional living accommodation in the rear garden would not have a detrimental impact on neighbouring amenity with the closest neighbouring properties 17.8m to the south of the building. The use of the annex would not generate any further prospect of anti-social activity that would occur within the permitted structure which contains a games room, an office and a garage. The proposed annex would not have had such an unreasonable impact upon the amenities of neighbouring properties that a refusal on these grounds would have been warranted.
- 6.19 The proposed dwelling in this instance is a single storey bungalow. Dwellings to the south within Boxley Close are at least 20 metres away. Timberden to the east is also 20 metres away and the dwelling permitted under 20/505837/FULL to the west is also 20 metres away. 'Treetops' is located diagonally 23 metres to the north east. When considering boundary treatments, which in this case include hedgerows and fencing a significantly harmful amenity impact would not occur.
- 6.20 The applicant has submitted drawings indicating the position of the proposed dwelling in relation to neighbours. These clearly show that views of the dwellings within Boxley Road would not be possible due to its siting and boundary treatment. The proposed dwelling is a bungalow and typically there is less potential for overlooking and loss of

privacy from ground floor windows due to screening provided by boundary treatments and trees etc.

- 6.21 Were the applicant to build dormer windows in the roof of the proposed dwelling with clear glazing, a harmful loss of privacy could occur to neighbours. As such should permission be forthcoming a condition is recommended restricting the dwellings permitted development rights.
- 6.22 One neighbour concern is that a separate dwelling would result in an increase in vehicle movements to and from the site. The impact assessed as part of the current application must be based on an additional single dwelling using the access road. It is not felt that this impact from one additional family would be sufficient to justify the refusal of permission.
- 6.23 Concerns have been raised regarding the means of access for construction vehicles, excavation works and hours of work on site. With the site location in a cluster of residential properties, a planning condition requiring details of a construction management plan to be submitted is recommended. COVID 'flexible' construction working hours are still in effect until the end of September 2021, conditions restricting working hours would not be appropriate.

Highways

- 6.24 Policy DM1 states that applications must ensure that development does not result in, amongst other things excessive activity or vehicle movements.
- 6.25 With the small-scale nature of the submitted proposal, the vehicle movements from the application site would be easily accommodated on the local road network. Plans submitted indicate the dwelling would have two parking spaces and would use the existing access. The current proposal does not raise any highway safety issues. No objections to the development have been raised by the local highway authority.

Ecology and Biodiversity

- 6.26 The National Planning Policy Framework encourages a net biodiversity gain to be sought in all planning applications. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development.
- 6.27 Policy DM3 states that development proposals will be expected to appraise the value of the boroughs natural environment and take full account of biodiversity present including the retention and provision of native plant species.
- 6.28 The area of the site the dwelling would be built on is the rear garden of the original dwelling and as such its biodiversity value could be assessed as being low. Concerns have been raised regarding the removal of the Sycamore tree, to facilitate the development. Whilst Sycamores are considered to be an invasive species and are generally not desirable, it is proposed to plant a Rowan tree as mitigation closer to the original dwelling on site. Rowan trees are referenced within the Maidstone Landscape Character Supplement.
- 6.29 Representations have been made regarding the developments impact upon trees that are subject to Tree Preservation Orders. The closest of these trees is at least 20m to the west of the proposed dwelling. Due to the distance involved, the development

would not harmfully impact upon these trees, nor would the development result in pressure to remove the trees.

- 6.30 Should permission be forthcoming, conditions will be imposed requiring the applicant to submit a landscaping scheme detailing the size and species of new and replacement planting. A condition is recommended to ensure that biodiversity enhancements are provided as part of the development.

Human Rights and Equality

- 6.31 Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home.

- 6.32 Due regard has been had to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The ethnic origins of the applicant and his family and their traditional way of life are to be accorded weight under the PSED.

CIL

- 6.33 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

Conclusion

- 6.34 The proposal is acceptable in relation to the potential visual impact on Boxley Road, (as well as the access road). The development would have no significant visual impact, or cause any loss of amenity to neighbouring properties, nor would any detrimental highways impact occur. The development is in keeping with local and national planning policies, and approval is recommended subject to planning conditions.

7. RECOMMENDATION

Grant Permission 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 hereby permitted shall be carried out in accordance with the following approved plans:

Application for planning permission

1893-004 Site Location Plan

1893-402B Existing Block Plan

1893-400F Existing and Proposed Block Plans

1893-401G Proposed Plans

Material Specification Schedule

Planning Statement

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

- 3) The development hereby approved shall not commence above ground level until details (manufacturer name, product name, and photographs) of the external facing materials to be used for the building 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 as such thereafter.
Reason: To ensure a satisfactory appearance to the development.
- 4) The development shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority (to include gaps at ground level in the boundaries to allow the passage of wildlife) and the development shall be carried out in accordance with the approved details before the first occupation of the building and maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers and for the passage of wildlife.
- 5) The development hereby approved shall not commence above slab level until a hard and soft landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on-site replacement planting to mitigate any loss of amenity and biodiversity value [together with the location of any habitat piles] and include a planting specification, implementation details and a [5] year management plan. Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 6) All planting, seeding and turfing specified in the approved landscape details shall be completed by the end of the first planting season (October to February) following first occupation of the dwelling hereby approved. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- 7) Upon completion, no further development, whether permitted by Classes A, B, C or D of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.
Reason: In the interests of the amenities of the area.
- 8) The dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed on the site for the use of future occupiers with the charging point thereafter retained for that purpose.

Planning Committee

26 August 2021

Reason: To promote sustainable travel choices and the reduction of CO2 emissions through the use of low emissions vehicles in accordance with the NPPF.

- 9) The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the building structure by means such as swift bricks, bat tube or bricks and details of the proposed pond and bird boxes on other parts of the site. The development shall be implemented in accordance with the approved details prior to first occupation of the approved building and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

- 10) The development hereby approved shall not commence until a construction management plan (including details of on-site facilities for the loading, unloading and turning of construction vehicles) have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided as approved prior to the commencement of groundworks and shall be retained for the duration of the build works on site.

Reason: To ensure the construction of development does not result in highway safety.

- 11) The development hereby approved shall not commence until details of earthworks have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 12) Prior to the first occupation of the dwelling hereby approved, facilities for (a) the storage and screening of refuse bins, and (b) the collection of refuse bins, and (c) secure bicycle storage shall be in place that are in accordance with details that have previously been submitted to and approved by the Local Planning Authority. These details will be maintained as such thereafter.

Reason: In the interests of amenity, to promote sustainable travel choices and the reduction of CO2 emissions.

- 13) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011 (and any subsequent revisions), and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: To safeguard the character and appearance of the countryside and in the interests of residential amenity.

Case officer: William Fletcher