

## REPORT SUMMARY

<b>REFERENCE NO:</b> - 22/502452/FULL		
<b>APPLICATION PROPOSAL:</b> Demolition of existing conservatory, garage/store and shed and erection of a detached four bed dwelling with rear pergola and associated access and parking (Revised scheme to 21/506599/FULL).		
<b>ADDRESS:</b> Anacapri Weaving Street Weaving Kent ME14 5JH		
<b>RECOMMENDATION:</b> GRANT PLANNING PERMISSION subject to planning conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The development would not have a harmful impact upon the character and appearance of the local area, nor would it harmfully impact upon the amenity of future occupants or neighbouring properties, nor would it impact upon parking in the area or the wider highway network. The proposal is in accordance with local and national planning policies and is recommended for approval subject to conditions.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Call in from Parish Council if officers are minded to approved for the reasons set out in section 4 of this report.		
<b>WARD:</b> Boxley	<b>PARISH/TOWN COUNCIL:</b> Boxley	<b>APPLICANT:</b> Ms. Cathy Mildenhall
<b>CASE OFFICER:</b> William Fletcher	<b>VALIDATION DATE:</b> 26/05/22	<b>DECISION DUE DATE:</b> 28/10/22
<b>ADVERTISED AS A DEPARTURE:</b> No		

### Relevant Planning History

20/501211/FULL

Demolition of the conservatory and garage/store. Erection of a two storey/single storey rear extension and a front porch extension.  
Approved 14.05.2020

21/506599/FULL

Demolition of conservatory, garage store and shed. Erection of 1no. dwelling with solar panels, rear pergola, associated access, parking and landscaping.  
Approved 21.03.2022

### MAIN REPORT

#### **1. DESCRIPTION OF SITE**

- 1.01 Weaving street is a suburban neighbourhood within the Maidstone urban area. The existing dwelling on the application site is a detached two storey dwelling, with a rendered first floor exterior and a front facing gable ended roof.
- 1.02 In terms of 'built form' and design the property called Anacapri is one of a pair of detached properties (other dwelling known as Jonqiul), however it is highlighted that the two properties are different in terms of facing materials and window design. The character of the surrounding area is detached houses with significant variety in terms of design, appearance and facing materials.

## 2. PROPOSAL

- 2.01 The application seeks to subdivide the Anacapri plot and erect a two-storey dwelling on land to the side (southeast) of the existing dwelling.
- 2.02 The proposed dwelling would be of a similar 'form' to the existing dwelling. The simplest way to describe the building would be a 'contemporary' version of the existing dwelling with red stock brick finished the ground floor exterior and vertical timber cladding around the first floor.

**Image 1: Proposed street elevation (no change from 21/506599/FULL)**



- 2.03 The application follows a previously approved application (21/506599/FULL) which sought a similar scheme. The current proposal seeks to increase the total depth of the dwelling by 1.7m as depicted below. The two-storey section of the dwelling increases from 10.2m to 13m, otherwise the design/materials remain unchanged.

**Image 2: Proposed South West Elevation (facing The Palms)**



## 3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2017):

SS1- Maidstone borough spatial strategy

SP1 – Maidstone urban area

SP19 – Housing mix

DM1 – Principles of good design

DM3 – Natural environment

DM9 – Residential extensions, conversions and redevelopment within the built-up area

DM11 – Residential garden land

DM12 – Density of housing development

DM23 – Parking standards (Appendix B)

The National Planning Policy Framework (NPPF):

Section 12 – Achieving well-designed places

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021. - The Regulation 22 draft is a material consideration however weight is currently limited, as it is the subject of an examination in public that commenced on the 6 September 2022 (hearings currently adjourned until 7.11.2022). The relevant policies in the draft plan are as follows:

The following policies would be relevant to this application:

LPRSS1 - Maidstone Borough Spatial Strategy

LPRSP2 - Maidstone Urban Area

LPRSP10 - Housing

LPRSP10(A) – Housing  
LPRSP14A: Natural environment  
LPRSP14(C): Climate change  
LPRSP15 – Principles of Good Design  
LPRHOU4 – Residential Garden Land  
LPRHOU5 – Density of Residential Development  
LPRTRA4 – Parking  
LPRQ&D 2: External lighting  
LPRQ&D 6: Technical standards  
LPRQ&D 7: Private amenity space standards

#### **4. LOCAL REPRESENTATIONS**

##### Local Residents:

- 4.01 2 representations received from local residents objecting to the proposal on the following (summarised) grounds:
- The development would cause harmful overshadowing.
  - The development would have a harmful impact upon the character and appearance of the area
  - Aural amenity

##### Boxley Parish Council

- 4.02 Objection for the following reasons, with committee call in if officers are minded to approve:
- Visual appearance
  - Loss of trees and other landscape features
  - Impact of the proximity to historic bridleway and wildlife
  - Overdevelopment of the site

#### **5. CONSULTATIONS**

##### KCC Highways

- 5.01 No objections received this consultee replied with their standing advice.

##### KCC Public Rights of Way Officer

- 5.02 No objections "Public Rights of Way KH1 footpath runs along the southern side of the site and should not affect the application".

#### **6. APPRAISAL**

The key issues are:

- Site location
- Visual impact
- Residential amenity
- Neighbouring amenity
- Parking and highways
- Arboriculture and biodiversity

##### **Site Location**

- 6.01 Policy SS1 of the Maidstone Borough Local Plan (October 2017) details how the Local Planning Authority will focus new development principally within the Maidstone urban area. Policy SP1 states: "As the largest and most sustainable location, Maidstone urban area, ... will be the focus for new development.
- 6.02 Within the urban area and outside of the town centre boundary identified in policy SP4, Maidstone will continue to be a good place to live and work. This will be achieved by...the development and redevelopment or infilling of urban sites in a way that contributes positively to the locality's distinctive character appropriate". Policy seeks to ensure that the amenity of existing and future residents is respected; and highway safety has been considered. Policy DM11 specifically relates to residential garden land in the defined urban area.

- 6.03 With the location of the application site a relatively small distance from the town centre boundary and within the urban area policy SP1 supports the principle of a residential development on the site. As such whilst there is policy support for a dwelling in this location, it must still reflect the character and appearance of the local area.

#### **Visual impact**

- 6.04 Policies DM1 and DM9 both require development to enhance, the local, natural or historic character of the area with particular regard paid to scale, height and design. Policy DM11 continues this theme stating that the higher density resulting from the development must not result in significant harm to the character and appearance of the area.
- 6.05 In terms of the character of this section of Weaving Street, dwellings are predominantly two storey detached buildings of varied design, appearance and size with a mixture of plot sizes.
- 6.06 Anacabri which would be the dwelling immediately north of the proposed dwelling is a detached two storey building, with a rendered first floor exterior and a front facing gable end roof. With the variety of local facing materials and building shapes and sizes, the character of the local area is its variety. There are different window designs and colours, different coloured gable facias, dwellings with yellow stock bricks, pebble dash and mock Tudor detailing are all present. The form of dwellings also varies significantly. Hanging tiles and a ragstone building are also present further north of the application site.
- 6.07 The proposed building although of 'contemporary' appearance has been designed with a pitched roof and is of a scale that matches neighbouring properties with similar roof eaves and ridge heights. The proposed facing materials of red stock bricks (New Meadow House) and external cladding (Willow Ridge) are present on other buildings in the local area.
- 6.08 The property called Jonquil to the north of the application site is much longer than the typical plots, extending to Provender Way. The application site is part of the plot of Anacabri which is wider than the typical plots in the area located at the end of the row of detached dwellings. Following the subdivision, the application site would be 7.6m in width, this plot width is comparable to others in the locality. It is assessed that the site is large enough to accommodate the proposed dwelling including access long the side of the building to the rear garden.
- 6.09 As detailed above, representations have been received in objection from residents as well as the Parish on the basis that the development would have a harmful impact upon the character and appearance of the area. The above report has assessed the visual impact. The development would be seen in context with the existing dwellings which do not have a uniform appearance. The development would not have harmful impact upon the character and appearance of the area.

#### **Residential Amenity**

- 6.10 Policies DM1, DM9 and DM11 all detail how development must respect the amenities of occupiers of neighbouring properties and uses and provide residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise, activity, visual intrusion, and that development should not result in overshadowing or loss of privacy.
- 6.11 With regards to the amenity of future occupiers. Following the subdivision the dwelling would have an appropriate private amenity area for future occupants. The floor space is in excess of the national space standard guidelines. The proposed living areas are spacious and well lit, and the development would provide a good standard of amenity for future occupants.

### **Neighbouring Amenity**

- 6.12 In terms of neighbouring properties, The Palms is located 12.5m to the southwest of the proposed dwelling. Anacapri itself is located 2m to the north and Maple Leas the dwelling opposite the application site 30m to the southeast.

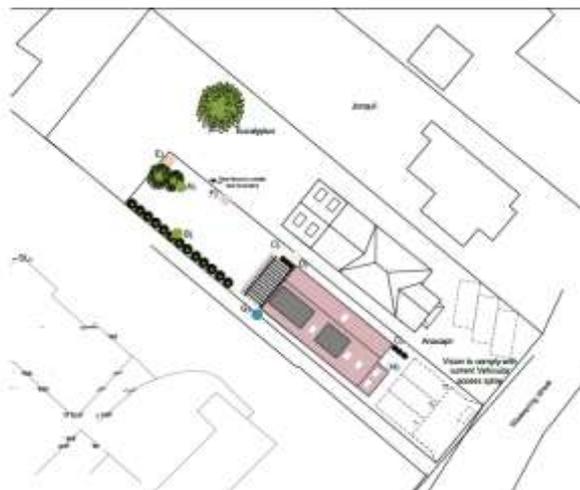
#### Daylight and sunlight

- 6.13 Due to the separation distance between the new dwelling and The Palms and Maple Leas no harmful overshadowing would occur.
- 6.14 The new dwelling would be to the southeast of Anacapri and there is an existing first floor window to the side of Anacapri. The existing floorplans submitted with application 20/501211/FULL show that this side window serves non habitable space (staircase).
- 6.15 The proposed plans submitted with 20/501211/FULL (extant until 14.05.2020) show two windows on the side elevation serving a bathroom and a corridor. Habitable first floor rooms are provided with windows to the front and rear elevations. The side elevation windows are non-habitable and would still receive sunlight and daylight over the new dwelling, the impact on these windows is considered acceptable.
- 6.16 The new dwelling does not extend past the rear elevation of Anacapri and as a result any impact on the garden of this property would be minimal.

#### Privacy and overlooking

- 6.17 The majority of the first floor windows of the proposed dwelling face to the front and rear with no privacy or overlooking issues. There is one first floor window on the side elevation of the new dwelling, with this window serving a bedroom. To ensure that there is no overlooking or loss of privacy from this window, a planning condition is recommended stating that this window be obscured glazed and fixed shut below 1.7 metres from internal floor level.

**Image 3: Proposed block plan**



- 6.18 The disturbance caused during the construction of the development has been raised in consultation responses. As this disturbance is short term it is not grounds to refuse planning permission. A planning condition is recommended seeking the submission and approval of a construction management plan that will seek to minimise disruption that is caused.

### **Parking and Highways**

- 6.19 Plans indicate that there would be a parking area to the front of the dwelling that would easily be able to accommodate vehicles associated with the dwelling. Plans indicate an electric vehicle charging point, should permission be forthcoming conditions will be imposed to ensure this is provided.

### **Arboriculture and Biodiversity**

- 6.20 Existing and proposed block plans have been submitted which indicate that additional trees and other planting would be provided within the rear garden of the proposed dwelling. Biodiversity enhancements are also indicated, and these details are assessed as being acceptable, conditions will be imposed to ensure planting and biodiversity enhancements are provided.
- 6.21 Concerns have been raised regarding the removal of trees on the application site prior to the submission of the application. Trees on site were not subject to any Tree Preservation Orders and as such the applicant is free to remove trees from the site.
- 6.22 The proposal would result in an additional trees and biodiversity enhancements and as such the development results in a net gain for biodiversity over the existing arrangements.

### **Public Rights of Way**

- 6.23 Public Footpath KH1 runs immediately to the south of the application site as depicted below.

**Image 4: Public Footpath KH1**



- 6.24 Whilst the development would establish a new dwelling in close proximity to the footpath, this is a footpath in a residential area already in close proximity to dwellings, for example Briarwood to the northwest of Anacapi. Public footpaths immediately adjacent residential dwellings are found in suburban areas, this would not be an unusual arrangement. It is not assessed that establishing a new dwelling would have a harmful impact on any views from the footpath in this location.
- 6.25 As detailed within the consultee section, the KCC PROW officer has not raised any objection to the proposal.

### **PUBLIC SECTOR EQUALITY DUTY**

- 6.26 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

### **CIL**

- 6.27 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.

## **7. CONCLUSION**

- 7.01 In policy terms the application site is located within Maidstone Urban Area. Policy SS1 details how the Local Planning Authority will focus new development principally within the Maidstone urban area,. Maidstone Urban Area is the most sustainable

location of residential development and the principle of a new dwelling in this location is acceptable.

- 7.02 When considering the variety of plot sizes, form of dwellings and materials used in the area. It is concluded that the proposed dwelling is in keeping with the character and appearance of the area.
- 7.03 The dwelling has an appropriate amount of amenity space and is in accordance with national space standards and rooms will have adequate daylight and sunlight. The dwelling will provide a good standard of accommodation for future occupants. With suitable planning conditions, the proposal is acceptable in relation to the impact on the amenities of adjacent residential occupiers.
- 7.04 The proposed dwelling has an appropriate level of parking provision, the development would not have a harmful impact upon parking in the area or the wider highway network. Conditions will be imposed securing the proposed landscaping and biodiversity enhancements. The development would not have a harmful impact upon Public Right of Way KH1.

**8. RECOMMENDATION**  
**GRANT PLANNING 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 shall be carried out in accordance with the following approved plans and documents:  
Application for planning permission  
Flood Map  
Existing Block Plan  
Existing Shed, Proposed Fencing and Hedgehog House  
Existing Site Location Plan  
Existing Street Scene  
Proposed Bird Box and Electric Car Charger  
Proposed Block Plan  
Proposed Site Location Plan  
Proposed Street Scene  
Reason: To ensure a satisfactory visual appearance and to safeguard the amenity of the area.
- 3) The materials to be used in the development hereby approved shall be as indicated on the approved plans.  
Reason: To ensure a satisfactory appearance to the development
- 4) No development shall take place until a Construction Management Plan for the site has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include the following details-  
(a) Routing of construction and delivery vehicles to / from site  
(b) Parking and turning areas for construction and delivery vehicles and site personnel  
(c) Timing of deliveries  
(d) Provision of wheel washing facilities  
(e) Temporary traffic management / signage  
(f) Measures to control dust and potential use of asbestos in the existing building.  
The construction works shall proceed only in accordance with the approved Construction Management Plan.  
Reason: In the interests of residential amenity and highway safety.

- 5) Before the development hereby permitted is first occupied, the proposed bedroom window in the first floor side elevation of the dwelling shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3 and shall subsequently be maintained as such.  
Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.
- 6) Upon completion, no further development, whether permitted by Classes A, B, C, D or E 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.
- 7) 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 (Maidstone Landscape Character Assessment Supplement 2012) 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,
  - include a planting specification, implementation details and a [5] year landscape management plan (Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted).
  - provide details of on-site replacement planting to mitigate any loss of amenity and biodiversity value [together with the location of any habitat piles] 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.
- 8) All planting, seeding and turfing specified in the approved landscape details shall have been completed prior to first occupation of the approved development. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, 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 unless the local planning authority gives written consent to any variation.  
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- 9) Prior to the first occupation of the approved dwelling, a minimum of one operational electric vehicle charging point for low-emission plug-in vehicles shall be installed and ready for the use of the new occupant with the electric vehicle charging point thereafter retained and maintained operational as such for that purpose.  
Reason: To promote to promote sustainable travel choices and the reduction of CO2 emissions through use of low emissions vehicles.
- 10) 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 include the enhancement of biodiversity through integrated methods into the design and appearance of the structure of the new dwelling by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.  
Reason: To protect and enhance the ecology and biodiversity on the site in the future.
- 11) All cut timber/wood between 15cm and 60cm in diameter, together with any senescent and rotting wood, should be retained and stacked safely on site for the

colonisation of saproxylic organisms, except where an alternative proposal has been submitted to and approved in writing by the local planning authority.

Reason: In the interests of ecological enhancement and biodiversity net gain.

- 12) The development hereby approved 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, Details shall specifically indicate that the fencing has hedgehog corridors installed to allow the travel of wildlife through the garden. The development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

- 13) 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 shall 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.

#### **INFORMATIVES**

- 1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st 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.