

REPORT SUMMARY

REFERENCE NO: - 22/505414/FULL		
APPLICATION PROPOSAL: Erection of an attached two-bedroom dwelling.		
ADDRESS: 2 Charlton Street Maidstone Kent ME16 8LA		
RECOMMENDATION: GRANT PLANNING PERMISSION Subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION:		
<ul style="list-style-type: none"> • The proposals would provide accommodation that meets the Nationally Described Space Standards and provide sufficient amenity space. • The proposed dwelling comprises similar massing and elevational treatments to other properties within the terrace. • The proposed dwelling will not have an adverse impact upon the amenity of neighbouring properties or harm the character and appearance of the street scene. • The proposed development will not result in any adverse impact upon the highways and parking within the street to a severity that would warrant a refusal. 		
REASON FOR REFERRAL TO COMMITTEE:		
Call in by Cllr Harper for the following reasons:		
<ul style="list-style-type: none"> • Overdevelopment • Loss of off-street parking • Unsustainable • Impact on local environment • Local concerns of residents. 		
WARD: Fant	PARISH/TOWN COUNCIL: N/A	APPLICANT: Mr Terry Brown AGENT: Peter Court Associates
CASE OFFICER: Jake Farmer	VALIDATION DATE: 17/11/22	DECISION DUE DATE: 24/02/23
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

- 02/1039 Outline application for a dwelling with means of access and siting for consideration Refused 12.08.2002 for the following reason:

"The proposal does not make adequate provision for the parking of vehicles within the curtilage of the site, in accordance with the standards adopted by the local planning authority and is therefore likely to give rise to conditions which are prejudicial to the free flow of traffic on the adjoining highway which already suffers from an evident parking problem, contrary to policy T13 of the Maidstone Borough Wide Local Plan (2000)".

- 02/1519 An outline application for a new dwelling with means of access and siting for consideration Refused 09.10.2002 for the following reason:
"The proposal would remove any opportunity for the provision of off street parking for the occupiers (or future occupiers) of the existing dwelling at 2 Charlton Street, would not provide sufficient parking provision for the proposed dwelling and would effectively result in the loss of an existing on-street parking space and is therefore likely to give rise to conditions which are prejudicial to the free flow of traffic on the adjoining highway".

An appeal for the development was also dismissed by the Planning Inspectorate on 11th April 2003 under appeal ref: APP/U2235/A/02/1103456.

(Officer comment: The current planning policy background consists of the adopted Local Plan (2017) and the NPPF (2021) with the above decisions and appeal made 14 years and 18 years before the adoption of the LP and the NPPF. In this respect due to the age of these decisions no weight should be placed on these decisions).

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is in the Maidstone urban area. The site is in Charles Street which runs perpendicular to and joins Upper Fant Road (south east) and Milton Street (north west). The area generally comprises of terraced dwellings many with feature bay windows at ground floor level.
- 1.02 There is a general fall in ground level down towards the south-eastern end of Charles Street where it meets Upper Fant Road. As a result of this level change, there is a consistent stepping down of the ridge heights of dwellings in Charles Street.
- 1.03 Properties along Charlton Street typically have short 'front gardens or patio areas' with all parking provision on the street. Whilst the surrounding area is of mixed character a large number of properties are traditional brickwork and painted render under concrete tiled roofs.
- 1.04 According to information provided by the Environment Agency, the application site is of low risk of surface water flooding and of very low risk to fluvial flooding.
- 1.05 The application site consists of the end of terrace property at 2 Charlton Street and land to the side and rear of the existing building. When compared to other nearby properties 2 Charlton Street is on a double width plot.
- 1.06 A detached building at 2a Charlton Street contrasts with other properties as it is detached, of narrower width with the entrance to the side and finished in stone.

2. PROPOSAL

- 2.01 The application proposes a semi-detached 2-bedroom dwelling that will form an end of terrace property. The application proposes the removal of an existing shed and a single tree (denoted as T1 on the submitted plans).
- 2.02 The proposed new dwelling will be two storeys in height, with the roof ridge and eaves lines stepped down from the existing dwelling at No. 2 Charlton Street. The proposed dwelling would be constructed using traditional brickwork and feature a ground floor bay window

- 2.03 The proposal includes the subdivision of the existing garden land at No. 2 to provide private amenity space for occupants of the proposed house and the retained house.

3. POLICY AND OTHER CONSIDERATIONS

SS1 – Maidstone borough spatial strategy
SP1 – Maidstone urban area
SP19 – Housing mix
DM1 – Principles of good design
DM9 – Residential extensions, conversion within the built-up area.
DM12 – Density of housing development
DM23 – Parking standards (Appendix B)

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 (Stage 1 hearings concluded). The relevant policies in the draft plan are as follows:

SS1 – Maidstone borough spatial strategy
SP2 – Maidstone urban area
SP10(a) – Housing mix
SP15 – Principles of good design
HOU2 – Residential extensions, conversions...in the built-up area
HOU5 – Density of residential development
TRA4 – Parking standards (Appendix B)
Q&D6 – Technical Standards
Q&D7 – Private open space standards

4. LOCAL REPRESENTATIONS

Local Residents:

8 objections received from local residents raising the following (summarised) issues

- Increased parking stress
- Overly cramped form of development
- Congestion/disruption during construction phase
- Concerns over the proposed ground floor layout

5. CONSULTATIONS

Mid-Kent Environmental Health

- 5.01 No objections subject to a condition on external lighting and informatives on building regulations and construction code of practice.

6. APPRAISAL

- 6.01 The key issues are:
- Principle of development
 - Visual impact
 - Residential amenity
 - Highways and parking

Principle of development

- 6.02 The application site is in the Maidstone urban area. Government guidance in the National Planning Policy Framework (NPPF) and policies SS1, SP1 and DM9 of the

adopted Maidstone Borough Local Plan are generally supportive of new housing in sustainable urban locations as an alternative to residential development in more remote countryside locations.

- 6.03 As such, the principle of a new dwelling within the defined urban area is acceptable and the proposed development is assessed in the following sections against other relevant policies of the Local Plan (2017).

Visual impact

- 6.04 Government guidance in the NPPF (para. 124) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.05 Local plan policy DM1 states that developments must “respond positively to and where possible enhance, the local, natural or historic character of the area Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage”. Similar requirements are set out in policy DM11.
- 6.06 The proposal involves adding an end of terrace two-storey, two- bedroom dwelling to an existing two storey end of terrace dwelling. The proposed design of the dwelling will be of similar architectural character to the majority of dwellings located along Charlton Road.
- 6.07 The proposed building’s massing and two storey form match the adjacent dwelling to the north west (No 2 Charlton Street). The proposal would be in keeping with the scale of dwellings in the application terrace on this side of Charlton Street.
- 6.08 The proposed design would incorporate architectural features such as ground floor bay windows as well as soldier brick courses above doors and windows to reflect features found in Charlton Street. The proposed finishing materials also reflect those found within Charlton Street with use of traditional brickwork under a concrete tiled roof.
- 6.09 The proposed property is attached to the existing terrace and as a result does not seek to reflect the nearest neighbour to the south east (No 2A) as this dwelling is both detached and distinct in style and architectural form.
- 6.10 As mentioned in the site description, the road slopes down towards the south east end of Charlton Street resulting in a clear ‘stepping down’ of the ridge and eaves heights of the properties. The proposed development would continue this character by stepping down the roof ridge and eaves heights from the existing property.
- 6.11 The total width of the new plot is approximately 4.5m with the proposed end of terrace dwelling approximately 4m wide with a 0.5m gap to the dwelling at No. 2A Charlton Street.
- 6.12 The site width is comparable to other properties in the terrace and is easily able to accommodate a dwelling that matches the scale of neighbouring properties (no 2 Charlton Street circa 3.8 metres wide, no 4 circa 4.4 metres wide, and no 6 circa 4.1 metres wide) and fits well in the site and the street scene. In this context the proposed development does not appear out of place or cramped.
- 6.13 In light of the above, and the planning balance, the proposed development would accord with policies DM1, DM9 and DM11 with respect to its impact on the character and appearance of the area and the street scene.

Residential amenity

- 6.14 Policy DM1 of the Local Plan (2017) states that developments should "*Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties*".
- 6.15 The proposed south-east flank wall would be approximately 0.5 metres from the flank wall of 2A Charlton Road. However, the proposed development does not propose any fenestration on the south-eastern elevation and there are no windows on the flank elevation of No. 2A. Further the existing property at 2A is beyond the rear elevation of the proposed dwelling.
- 6.16 The commercial property to the rear a sufficient distance away from the rear elevation as to not comprise any adverse overlooking or amenity impacts upon the prospective occupants of the proposed dwelling or the current or future occupants of other adjacent residential properties.
- 6.17 In terms of the new party wall and environmental health comments, the control of structure borne noise is dealt with outside the planning system through the Building Acts. If planning permission is granted the applicant would need to make a separate Building Regulations application.
- 6.18 In terms of the standard of accommodation. The Nationally Described Space Standards require double bedrooms to comprise a minimum of 11.5 sq. metres and single bedrooms to comprise 7.5 sq. metres. In addition, the Maidstone Local Plan Review within policy LPRQ&D 6: Technical Standards requires two-bedroom dwellings over two storeys to comprise a minimum of 70m² of Gross Internal Floor Area (GIA). The dwelling comprises approximately 71m² in GIA.
- 6.19 The proposals would result in the creation of two bedrooms at first floor level, with the proposed bedrooms measuring 13 sq. metres and 9 sq. metres respectively. In this regard the proposals would provide an acceptable standard of accommodation. Other habitable rooms including the living and kitchen spaces are considered to comprise sufficient floorspace and well served by windows.
- 6.20 The proposed development would also allow for the provision of a rear garden area of approximately 60 sq. metres which is considered to be sufficient private amenity space for a two-bedroom dwelling. This area of garden space is comparable to neighbouring properties.
- 6.21 In summary, the proposals are considered to be acceptable in residential amenity terms and would accord with Policy DM1 of the Maidstone Local Plan (2017).

Highways and parking

- 6.22 Paragraph 111 of the NPPF states that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*"
- 6.23 Policy DM1 also seeks to ensure that proposed development does not cause any adverse impact upon the highways or parking provision within the area. Paragraph 6.97 states that "*New developments have the potential to generate a considerable number of vehicular and pedestrian trips which in turn can have both direct and cumulative impacts on the transport network.*"

- 6.24 The additional vehicle trips associated with a single new dwelling can be accommodated on the local highway network without harm to highway safety.
- 6.25 All eight of the objections raised against the application cite current car parking issues along Charlton Street and the surrounding roads. This existing parking stress was confirmed during the case officer site visit.
- 6.26 Whilst the proposal would result in the loss of one existing off-street parking space, (for the existing dwelling), as the vehicle access would not be required, the reinstatement of the full height kerb across the frontage would provide an additional on street space to compensate for this loss.
- 6.27 A 2-bedroom dwelling would generally require one off street parking space and the proposed development does not provide any off-street parking.
- 6.28 It is accepted that the absence of an off street parking space for the new dwelling is not ideal in terms of local on street parking demand. Notwithstanding this, the resulting on street parking demand generated by the proposed dwelling does not meet the relevant test for refusal set out in the NPPF of a 'severe' highway impact.
- 6.29 An off street parking space would require the proposed dwelling to be pushed back from the pavement which would represent poor urban design. The location of the building in this situation would have a poor relationship with neighbouring properties, a poor building setting consisting of a parked car and potential amenity neighbour issues at the rear of the building.
- 6.30 In addition, with the need to retain the existing dropped kerb to access any off street space that is provided, there would also be no on-street parking gain. After the assessment of these issues, it is found that the proposal located in a sustainable location is acceptable in relation to parking and highways impact.

Other matters

- 6.31 An arboricultural impact assessment has been submitted in support of the application which provides a rationale for the removal of a single category C tree (referred to as T1). The removal of this tree, is found to be acceptable.
- 6.32 The application site is located in Flood Zone 1 and, according to the information provided by the Environment Agency, the application site is subject to low risk of surface water flooding and subject to very low risk of fluvial flooding.

PUBLIC SECTOR EQUALITY DUTY

- 6.33 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

- 6.34 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 Overall, for the reasons outlined in this report, the proposed development would accord with the policies of the Local Plan (2017) and, as such the recommendation is to grant planning permission subject to conditions.

8. RECOMMENDATION

GRANT PLANNING PERMISSION Subject to conditions

with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of the 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 and documents:
 - Drawing No. 2225-PL01 (Existing Plans & Elevations)
 - Drawing No. 2225-PL02 (Proposed Plans and Section)
 - Drawing No. 2225-PL03 (Proposed Elevations)
 - Drawing No. 2225-PL04 (Site Plans)
 - GRS/TS/TCP/AIP/AIA/TPP/90/22 (Arboricultural Report)
 - Design & Access Statement (Dated May 2022)Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents
- 3) The development hereby approved shall not commence above slab 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) No development including site clearance shall take place until tree protection is in place for all trees both within the red line application site boundary, and within falling distance of the red line application site boundary. The tree protection shall be in accordance with BS 5837 and maintained until all equipment, machinery and any surplus materials have been removed from the site. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 5) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in

writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter.

Reason: To ensure an energy efficient form of development.

- 6) Prior to first occupation of the approved dwelling the biodiversity enhancement shown on 2225-PL4 site plan Planning drawings (May 2022) shall be in place in accordance with the drawing with the measures maintained thereafter.

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

- 7) Prior to first occupation of the dwelling hereby approved the existing vehicular crossover (dropped kerb) in Charlton Street shall be removed with full height pavement reinstated in this location.

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

- 8) 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.

- 9) Prior to the first occupation of the dwelling hereby approved, landscaping shall be in place that shall be in full accordance with a landscape scheme that has previously been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed in accordance with the principles of the Council's landscape character guidance and include details of a planting schedule (including location, planting species, quantities and size) of the front garden and front boundary treatment.

Reason: In the interests of amenity

- 10) Any planting in the approved landscape scheme which fails to establish or any trees or plants which, within five years from the first occupation, 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

- 11) 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 follow the recommendations within Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting', 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: In the interests of residential amenity

Informatives:

- (1) You are advised that as of 1st October 2018, the Maidstone Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus, any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website Community Infrastructure Levy - Maidstone Borough Council.
- (2) The advice provided in the Mid Kent Environmental Code of Development Practice is highlighted to the applicant. Broad compliance with this document is expected. This document can be found at:
<https://tunbridgewells.gov.uk/environmental-code-of-development-practice>