

APPLICATION: MA/11/1685 Date: 21 November 2011 Received: 22 November 2011

APPLICANT: Mr P Bradley

LOCATION: LAND AT 36, HUNTINGTON ROAD, COXHEATH, KENT, ME17 4DY

PARISH: Coxheath

PROPOSAL: Outline application for the erection of a detached dwellinghouse with all matters reserved for future consideration as shown on the site location plan and drawing number H.01 received 3rd October 2011 and drawing numbers H.02 and H.03, and a design and access statement received 18th November 2011.

AGENDA DATE: 26th July 2012

CASE OFFICER: Catherine Slade

The recommendation for this application is being reported to Committee for decision because:

- it is contrary to views expressed by Coxheath Parish Council

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, T13
- South East Plan 2009: SP3, CC1, CC4, CC6, H2, H4, H5, T4, NRM1, BE5
- Village Design Statement: Not applicable
- Government Policy: National Planning Policy Framework 2012, PPS25 Development and Flood Risk Practice Guide
- Other: Kent Design Guide 2005

2. HISTORY

2.1 The site has no relevant planning history, however there are examples of other backland development on adjoining land, being numbers 36A and 36B Huntington Road (granted planning permission under MA/01/0833). A very similar development to that currently under consideration is located to the rear of number 52 Huntington Road (number 52C) which was granted planning permission under MA/MA/05/1920.

3. CONSULTATIONS

3.1 **Coxheath Parish Council:** Raise objection to the application on the following grounds:

- The proposal would result in overdevelopment of the site;
- Access would be required via the garden of 36 Huntington Road;
- Insufficient turning room for vehicles within the site;
- Loss of light to the residents of the properties adjacent to the site fronting onto Woodlands;
- Loss of privacy to the residents of the properties adjacent to the site fronting onto Woodlands; and
- Variations in ground level between the site and the adjacent properties resulting in surface water flooding to properties at lower levels.

3.2 Maidstone Borough Council Landscape Officer: Raise no objection to the proposal subject to the retention of the silver birches in the west of the site and the imposition of landscape and arboricultural conditions in order to secure the retention of these specimens. The officer made the following detailed comments:

"Further to our meeting and discussion of the above application, I confirm that there are currently no protected trees on the application site. The proposals do not include a survey of the trees present or specifically state whether they are to be removed or retained. I assume that because they are not shown on the proposed plans that the intention is to remove them.

The Norway Spruce in the rear garden, in my opinion, are likely to conflict with the proposals. However, I do not object to their removal as they are not a species that reflects the landscape character of the area.

The Silver Birches in the front garden are of a species that is appropriate to the local landscape character and in my opinion, should be retained within the scheme. Having studied the submitted plans, I am of the opinion that with appropriate driveway construction, they should be able to be successfully retained alongside the proposals.

Subject to the retention of the Silver Birch (or justification for their removal), I raise no objection to the proposals on arboricultural grounds and recommend the use of conditions to ensure that suitable measures are undertaken to ensure the successful retention of the Silver Birch within the scheme.

4. REPRESENTATIONS

4.1 Three representations were received, which raised the following concerns:

- The proposal would result in overdevelopment of the site;
- Loss of light to the residents of the properties adjacent to the site fronting onto Woodlands;
- Loss of privacy to the residents of the properties adjacent to the site fronting onto Woodlands;
- The land is "Greenfield" and therefore development should be resisted;
- A larger building could be applied for under the reserved matters application;
- Insufficient provision of on site parking; and
- Access for emergency vehicles.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The site is located to the north of Huntington Road, an unclassified highway located within the defined settlement boundary of the village of Coxheath in a predominantly residential area.

5.1.2 The site comprises the side and rear garden of 36 Huntington Road, which is a semi-detached chalet bungalow fronting onto the public highway and an open green area beyond which is formed by the U-shaped layout of Huntington Road.

5.1.3 The northern boundary of the site adjoins the rear gardens of bungalows in Woodlands which have ground levels set down by approximately 1m, and the eastern boundary of the site adjoins the rear garden of number 34 Huntington Road. The western boundary of the site adjoins the vehicular access to numbers 36A and 36B, two semi-detached bungalows located to the rear of number 38. The site is entirely surrounded by residential development of a variety of scales, ages and designs.

5.1.4 The site has no specific environmental or economic designations in the Maidstone Borough-Wide Local Plan 2000. No heritage assets are located in close proximity to the site, and the site is not recorded by the Environment Agency as being in a location susceptible to flood. There are trees on the site which would

potentially be lost as a result of the proposed development; these are not protected in any way.

5.2 Proposal

5.2.1 The application seeks outline planning permission with all matters reserved for a detached single storey dwelling. The proposal includes the provision of a detached garage, as well as a vehicular access and parking areas within the site.

5.2.2 As Members will be aware, applications for outline planning permission are assessed primarily in terms of the principle of the development, together with any matters to be considered under the scope of the outline application. It is noted that the information provided in support of the application in this case includes a high level of detail, however the application is for outline planning permission with all matters being reserved, and therefore the detail of the proposal is not for full consideration at the current time.

5.2.3 Notwithstanding this, the applicant is required to give indications of the following matters: the layout of the development in respect of the approximate locations of buildings and open space; the scale (in terms of the upper limit of the height, width and length of proposed buildings); and the location of the access point to the site.

5.2.4 The application documentation shows the proposed dwelling to be sited in the north of the rear garden of number 36. The indicative scale of the proposed dwelling is set out as follows (taken from drawing numbers H.02 and H.03):

Width	10m
Depth	11.5m
Height to Ridge	4.4m
Height to Eaves	2.8m
Footprint	107m ² (approx)

5.2.5 The application documentation shows the vehicle access to be located to the side of the existing dwellinghouse, immediately adjacent to that serving numbers 36A and 36B Huntington Road, which are themselves examples of single storey infill development.

5.2.6 In addition to the details provided to date, as set out above, the building is shown on the indicative plans to have a simple, shallow pitched roof form, the southern roof slope of which would accommodate solar photovoltaic panels. The design and access statement states that the proposed dwelling will achieve a minimum of Level 3 of the Code for Sustainable Homes.

5.3 Planning policy and principle of development

- 5.3.1 As set out above, the application is for outline planning permission for the erection of a single dwellinghouse in the rear garden of number 36 Huntington Road.
- 5.3.2 The planning policy context comprises the Development Plan (the saved policies of the Maidstone Borough-Wide Local Plan 2000, together with any other formally adopted planning policy documents, and the policies of the South East Plan 2009), and national planning policy and guidance as set out in the National Planning Policy Framework 2012. As stated above, the site is located in a sustainable location in close proximity to local facilities and services within the defined settlement boundary of Coxheath, and has no specific economic designations in the Local Plan. As such the location of the site is considered to be favourable in terms of the general principle of the siting of new development, as set out in South East Plan 2009 policy SP3 and the National Planning Policy Framework.
- 5.3.3 Notwithstanding the above, the site currently forms part of the side and rear gardens of number 36, and as such represents a backland garden development. There are no specific Development Plan policies which relate to such development, however, the National Planning Policy Framework explicitly excludes garden land from the definition of previously developed land, however, although the NPPF advises Local Planning Authorities to consider the case for policies which would prevent incidences of inappropriate development of garden land "where development would cause harm to the local area", the document does not explicitly prohibit such development (paragraph 53), and as Members will be aware there are no Development Plan policies relating to proposals for development on garden land.
- 5.3.4 The position of the Council is that the effect of the removal of garden land from the scope of previously developed land is to remove a presumption in favour of development of garden land. However, whilst the previous policy position did not allow for the development of all garden sites, it is not now the case that all development in gardens should be refused. It follows that each application must be judged on its own merits. However, it does mean that proposals for such development should be subjected to rigorous assessment.
- 5.3.5 In the circumstances of this case, it is my view that a balance should be struck between the suitability of the site in respect of being located in a sustainable location with reasonable public transport links in close proximity to the amenities and services that a residential occupier might reasonably expect; and the impact of the proposal on the character and appearance of the area which would result from the loss of the garden land.

- 5.3.6 The proposal site is subject to restricted public views in the context of the streetscene of Huntington Road, as a result of the screening effect of the existing property and the curved west boundary of the site, which together limit direct views to the interior of the site. As such it is considered that the proposed development would have a limited visual impact upon the appearance of the area. The key characteristic of Huntington Road is the existing open green area, which would not be affected by the development. It is therefore my view that the proposal would therefore not result in the erosion of the openness of the locality or cause harm to the local area.
- 5.3.7 Furthermore, as is clear from the site location plan, this part of Coxheath has been the subject of successful applications for planning permission for similar developments, most notably on land to the rear of numbers 38 (a pair of semi detached bungalows) and to the rear of numbers 52 and 54 (a pair of semi detached bungalows and a single storey detached dwellinghouse, numbers 52A, 52B and 52C). Of particular note is number 52C, which represents a similar development to that which is currently under consideration, being a detached bungalow within the rear garden of number 52, accessed via the side garden to the original dwelling. As such there is a clear precedent for development of this kind in the locality, and the proposal can be said to reflect the established pattern of development in the surrounding area.
- 5.3.8 In the light of these factors, it is considered that the principle of the development is acceptable in policy terms, subject to all other material considerations, including the amenity of the occupiers of neighbouring residential properties.

5.4 Assessment of indicative matters

Layout

- 5.4.1 The indicative layout is shown on drawing number H01, which shows the proposed dwelling to be located in the rear (north) of the site. The proposed siting would result in the side elevation of the dwelling being set in by 1m from the west boundary of the site and the rear elevation of the building being set back 6m from the boundary of the site with the rear boundaries of numbers 18 and 19 Woodlands. The proposed garage would be sited to the south east of the dwelling adjacent to the boundaries of the site with numbers 34 and 36 Huntington Road.
- 5.4.2 The site layout submitted is considered to respond to the comparable development to the rear of 52 Huntington Road, and to be in keeping with the established pattern of development in this area. It is not considered in the

circumstances of this case, on the basis of the indicative layout provided, that the scheme would result in overdevelopment of the site or a cramped development. However, in order to secure this and prevent excessive built development within the site at a later date, it is considered appropriate and necessary to restrict permitted development rights in respect of Class A (extensions) and Class E (outbuildings) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

- 5.4.3 It is my view is that the proposed indicative siting of the building within the land is such that it has been demonstrated that it is possible to achieve satisfactory separation between the main dwelling and the surrounding residential properties, thereby maintaining the existing pattern and grain of development whilst preventing harm to the outlook of the occupiers of the neighbouring properties.
- 5.4.4 The layout indicated would also allow the provision of adequate amenity space for the future occupiers of the property, and an acceptable level of landscaping within the site, which would go towards providing additional screening of the proposed dwelling. The existing dwelling would also retain sufficient amenity space. There are trees on the site, however no information has been provided as to which, if any of these, are to be retained. As set out above in the Landscape Officer's comments, there is no objection to the removal of the Norway Spruce, but that the Silver Birches are considered to be of amenity value and should be retained in the scheme; the officer has confirmed that with suitable arboricultural protection, construction methods and arrangement of the fenestration of the proposed dwelling in the reserved matters application these specimens can be successfully retained.
- 5.4.5 For these reasons, it is considered that the indicative layout proposed is acceptable, subject to approval of reserved matters pertaining to layout and landscaping, and a condition should be imposed requiring the submitted details to include a landscaped area to the south of the proposed dwelling and the use of hedging to the west boundaries of the site in order to mitigate against the loss of hedging and trees which would result from the implementation of the permission. It is also considered reasonable for a condition to be imposed requiring the submission of an arboricultural method statement and tree survey which should show the retention of the silver birches in the west of the site.

Scale

- 5.4.6 The application documentation includes drawing numbers H.02 and H.03 which show the indicative scale of the proposed dwelling. The maximum height, width and length of the building are taken from these, and are set out in the table above (paragraph 5.2.4).

- 5.4.7 The scale of the proposed dwelling is considered to be modest, and drawings showing a single storey detached dwelling with a ridge height of 4.5m, which would result in a building with a shallow roof pitch, which would be subservient to the original dwellings arranged around Huntington Road which comprise two storey dwellings or chalet bungalows, and in keeping with the existing backland development and the bungalows to the north of the site fronting onto Woodlands.
- 5.4.8 In addition to the above, a condition should also be imposed requiring the submission and approval of materials to be used for the external surfaces of the development in order to secure a suitably high quality of development.
- 5.4.9 I note that the land levels of the site and its surroundings fall towards the north, with the effect that the position of the proposed dwelling is elevated by approximately 1m in relation to the properties in Woodlands. This is a matter that has a bearing on the acceptability of the scale of the proposal. However, it is my view that the maximum height of the building is such that, notwithstanding the land levels, when assessed in this regard and in conjunction with the indicative position of the building within the site and the indicative separation between existing and proposed development, the proposal would not result in a development that would be unduly overbearing on the occupiers of numbers 18 and 19 Woodlands (the closest properties to the proposed dwelling other than 32 Huntington Road). However, in order to ensure that the site levels are not raised, it is considered reasonable and necessary in the circumstances of this case to impose a condition requiring the submission and approval of slab levels.
- 5.4.10 For these reasons, it is considered that the indicative scale proposed is acceptable.

Appearance

- 5.4.11 The detailed appearance of the proposed building (including the form of the roof in respect of hips, half hips or gables) is not a matter for consideration at the current time. A dwelling of an appropriate design and be secured at the reserved matters stage.

Access

- 5.4.12 The location of the proposed access to the site is shown on drawing H.01, and would result in the introduction of a vehicular access to the west of the site frontage of 36 Huntington Road. The access would lead to the rear of the site, and would be located to the side of the existing property. Although the drawing

also shows an area of hard surfacing to the front of number 36 and a garage to the rear of this property, both of which would serve the existing dwelling; these are not included in the scope of the current application, and in any case are unlikely to require planning permission (subject to assessment against the criteria set out in the Town and Country Planning (General Permitted Development) Order 1995 (as amended)).

5.4.13 Whilst it is regrettable that the proposal does not utilise the existing access to the west of the site which serves numbers 36A and 36B, thus avoiding the need for the introduction of a new access and the removal of existing screening to the site frontage, this land is not included within the red line of the site, and is not designated as blue land, and as such is not believed to be within the control of the applicant. It is not, therefore, considered reasonable to raise objection to the application on these grounds. It is the case that the proposed arrangement mimics that of numbers 52A, 52B and 52C, where two adjacent vehicular accesses abut one another, one serving 52A and 52B, and the other serving 52C, and as such the introduction of an additional access in the proposed location is not considered to be out of keeping with the other nearby development.

5.4.14 For these reasons, it is considered that the indicated position of the proposed access is acceptable. However, a condition should be imposed requiring submission and approval of all hard surfacing areas, and for the said hard surfacing to be constructed of permeable materials in order to secure the appearance of the development, and prevent localised surface water flooding as a result of the introduction of the access and associated hard surfacing. In addition, it is considered appropriate to restrict permitted development rights in respect of Class F (hard surfaces) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) in order to prevent the introduction of further areas of hard surfacing within the site without requiring planning permission which would be detrimental to the appearance of the site or lead to surface water flooding within and in the vicinity of the site.

5.5 Other Matters

5.5.1 Concern has been raised in regard to the impact of the proposal on the residential amenity of the occupiers of the neighbouring residential properties. It is considered that, on the basis of the indicative layout and scale of the development, the relationship between the proposed dwelling and the adjacent properties in respect of the separation distances involved, the development, would not result in harm to amenity by way of loss of light or harm to outlook. However, in order to safeguard future residential amenity a condition should be imposed restricting permitted development rights with regard to roof extensions in respect of Class B (roof extensions) and Class C (other alterations to roofs)

which may give rise to the provision of accommodation in the roof space which may result in overlooking of the adjacent properties.

- 5.5.2 Whilst concerns over loss of privacy have been expressed, the scope of the current application does not include the elevational detail and arrangement of openings to facing elevations, and therefore the impact on the proposal in this regard cannot be assessed in detail at this stage, and is a consideration in the determination of any subsequent reserved matters application.
- 5.5.3 Concern has also been raised in regard to the level of parking provision within the site, the turning space available within the site, and access to the development for emergency services. As set out in paragraphs 5.2.2 and 5.2.3 above, all matters relating to the access, other than its exact position within the site, are reserved, and therefore not for consideration under the scope of the current application, however I would make the following points. The site is located in a sustainable village location and as such the level of on site parking is considered to be adequate for the development proposed. Furthermore, the site is located on an unclassified road which is not subject to high or fast traffic flows, in a location where many properties do not have on site turning provision, including number 52C, referred to above, and as such it is not considered that to raise objection to the proposal on this ground is sustainable.
- 5.5.4 The application documentation states that the proposed dwelling would achieve Level 3 of the Code for Sustainable Homes, which in the circumstances of this case is considered to be appropriate and in accordance with the expectations of the Council in respect of residential development of this scale. This can be conditioned.

6. CONCLUSION

- 6.1 In the circumstances of this case the application for outline planning permission with all matters reserved for the erection of a single storey detached dwellinghouse is considered to be acceptable in principle in this location, and it is not considered that the loss of garden land in this case would be detrimental to the appearance of the streetscene or the character of the area.
- 6.2 For the reasons set out above and having regard to the policies of the Development Plan and any other material considerations, the proposed development is considered to be in accordance with the policies of the Maidstone Borough-Wide Local Plan 2000, the South East Plan 2010 and central government planning policy guidance and advice as set out in the National Planning Policy Framework 2012, and I therefore recommend the application for approval subject to the conditions set out above.

7. RECOMMENDATION

GRANT OUTLINE PLANNING PERMISSION subject to the following conditions:

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
 - a. Layout
 - b. Scale
 - c. Appearance
 - d. Access
 - e. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces, including all hard surfacing areas which shall be constructed of permeable materials, of the development 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;

Reason: To ensure a satisfactory appearance to the development and prevent excessive surface water in accordance with policies CC1, CC6, NRM1 and BE5 of the South East Plan 2009 and guidance in PPS25 Development and Flood Risk Practice Guide, and central government planning policy and guidance as set out in the National Planning Policy Framework 2012.

3. The details submitted pursuant to condition 1 above shall show a dwelling with no accommodation in the roof space;

Reason: To secure the residential amenity of neighbouring properties through the prevention of overlooking in accordance with policies CC1 and CC6 of the South East Plan 2009, and central government planning policy and guidance as set out in the National Planning Policy Framework 2012.

4. The details of landscaping required pursuant to condition 1 shall include an arboricultural method statement and tree survey, which shall show the retention of the Silver Birches in the west of the site; the provision of an area of

landscaping to the south of the proposed dwelling; and the introduction of native hedging to the west boundary of the site;

Reason: In order to secure the character and appearance of the development and the wider streetscene, and mitigate against the loss of existing landscaping areas, in accordance with policies ENV6 of the Maidstone Borough-Wide Local Plan 2000 and CC1, CC6 and BE5 of the South East Plan 2009, and central government planning policy and guidance as set out in the National Planning Policy Framework 2012.

5. The development shall not commence until, details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site and secure the residential amenity of neighbouring properties through the prevention of overlooking are maintained in accordance with policies CC1, CC6, and BE5 of the South East Plan 2009, and central government planning policy and guidance as set out in the National Planning Policy Framework 2012.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1 Classes A, B, C, E and F to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development, prevent overdevelopment of the site, secure the residential amenity of neighbouring properties through the prevention of overlooking and prevent excessive surface water in accordance with policies CC1, CC6, NRM1 and BE5 of the South East Plan 2009, and central government planning policy and guidance as set out in the National Planning Policy Framework 2012 and PPS25 Development and Flood Risk Practice Guide.

7. The proposed dwelling shall achieve Level 3 of the Code for Sustainable Homes. The dwelling shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved;

Reason: to ensure a sustainable and energy efficient form of development in

accordance with policy CC4 of the South East Plan 2009 and central government planning policy and guidance as set out in the National Planning Policy Framework 2012.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.