

APPLICATION: MA/12/1629 Date: 28 July 2012 Received: 5 September 2012

APPLICANT: Ms Helen Bell-Robinson

LOCATION: HILLAH, COSSINGTON ROAD, BOXLEY, CHATHAM, KENT, ME5 9JB

PARISH: Boxley

PROPOSAL: Erection of detached four bedroom dwelling (Resubmission of MA/12/0375) as shown on Drawing Hillah 05, Drawing SDS 202769.01, scale 1:1250 site location plan and supporting design and access statement received 05 September 2012 and amended plans Hillah 04A and 06A received 31 January 2012

AGENDA DATE: 21st February 2013

CASE OFFICER: Laura Gregory

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

- It is contrary to views expressed by the Parish Council.

1. POLICIES

- Maidstone Borough Wide Local Plan 2000: ENV6
- South East Plan 2009: CC1, CC4, CC6, BE1, NRM5
- The National Planning Policy Framework 2012

2. HISTORY

MA/12/0375 - Erection of a detached four bedroom dwelling - WITHDRAWN

3. CONSULTATIONS

3.1 **Boxley Parish Council** - Wish to see the application REFUSED and request the application is reported to the Planning Committee for the following reasons:

- Due to the size of the footprint and the small site, the proposed development would have an adverse impact on the neighbours, including a possible loss of privacy.
- The proposed development and footprint overwhelms the site which is infilling in a garden.

- The proposed building would be built on an elevated section of the site and would have an adverse impact on the street scene and character of the area.
- Development will result in loss of trees and wildlife habitats.
- The introduction of hard surfacing and a long driveway would add to the flooding issue that already exists on Cossington Lane (an unadopted road). During rain storms the lane is subject to a 'river' of water sweeping down from the steep sided woodland valley. The hard surfaced footpath (KH656) becomes a funnel for water draining from the two higher adjacent areas. Additional water coming off the proposed hard surfaces would add to this problem as the lane has no highway drainage.
- The additional access/egress will be directly beside the footpath subway to the woods. Additional traffic movements at this point will create health and safety issues for pedestrians.

If the Planning Officer is minded to agree then

- Landscaping should be required to shield neighbours.
- Traffic management conditions to control issues that will be raised during construction.

3.2 **Councillor Hinder** objects to the applications for the following reasons:

- Development is too large for the plot.
- There will be a severe loss of privacy to the residents of The Covert, due to the elevated position of the site, proposed bedrooms will face directly on to the houses.
- Detrimental impact on the street scene due to the scale of development.
- Loss of trees and wildlife due to felling of a large number of mature trees.
- It is against the wishes of local residents.
- Local properties could suffer from flooding issues due to the position of the site. This road already suffers from rain water which runs down from the woods, and I have concerns that a soakaway could cause problems for residents further down the road. This is a private road and residents have to maintain the road themselves. Further development coupled with the loss of trees could exacerbate the problem.

4. REPRESENTATIONS

4.1 Eleven letters of objection raising the following objections:

- Loss of light and privacy caused to the properties in The Covert.
- Loss of light and privacy to houses in Brownlow Copse.
- Unsuitable site for a new dwelling. Proposed dwelling is too large and would be overpowering and visually intrusive and out of character with the area.
- Design is out of keeping with the surrounding area.
- White UPVC windows frames are out of keeping and should be brown.
- Access and its close proximity to the access to the entrance to the underpass will be hazardous to the safety of pedestrians.
- Cossington Road is an unmade private road and is not capable of accommodating the additional traffic generated by the proposed dwelling.
- Development would exacerbate traffic congestion.
- Additional connections to household services such as gas, electricity, sewerage disposal would impact on an already overloaded system.
- Additional house would impact negatively on the wildlife, shrubs and trees with the removal of the trees on site.
- Garden build takes away open space.
- Garage should be moved further back into the plot to provide additional turning and parking space and to avoid disruption with increased traffics at the top of Cossington Road.
- No further trees should be removed from the site and trees to the front of the site should be retained.
- Development will affect drainage in the area and cause possible flooding due to loss of natural soakaway and use of non permeable building materials.
- Roof of the bungalow could be converted and the dwelling would become two storey.
- Conditions should be imposed restricting further development once the house is constructed, prevent bonfires on site, restrict building works to during the week, and to reinstate landscaping and trees and, the surface of Cossington Road after the heavy lorries have used it.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site is located within the urban area of Walderslade in the parish of Boxley. Located on Cossington Road a private no-through road, the site contains a detached bungalow otherwise referred to as 'Hillah'. Set back from the road by approximately 10m, with a gravelled, circular driveway to the front, the property is surrounded by mature trees. It is not listed and is not subject to any landscape restrictions as designated with the Development Plan.
- 5.1.2 Cossington Road provides access to a number of detached dwellings of varied scale, age and design. With undulating land levels on both sides, the road rises steeply to the south and ends with the embankment of Beechen Bank Road and pedestrian underpass which leads into Walderslade Woods. Cossington Road is lined with mature trees to the west and with the exception of the application site, the houses are located on the eastern side of the road. The houses are of varied scale and appearance with significant landscaping to the rear which screens them from houses in Travertine Road to the east. The road has a sylvan character and appears very secluded, well divorced from neighbouring streets, The Covert to the north and, Travertine Road.

5.2 Proposal

- 5.2.1 Planning permission is sought for the erection of detached bungalow in the rear garden of 'Hillah'. The proposed bungalow would be four bedroomed and would measure 15m wide and 12.9m deep with two projecting hipped elements to the front and rear. The house would have a fully hipped roof which would have a ridge height of 5.2m and an eaves height of 2.5m.
- 5.2.2 Set back from the road by approximately 45m, the proposed dwelling would have a detached garage which be positioned at the foot of the proposed front garden. The garage would be flat roofed and would measure 5m wide and 5.4m deep and would have a height of 3.1m. The proposed garage and associated driveway would be sited adjacent to the drive of 'Hillah'. The driveway would be block paved and would be accessed from Cossington Road. The area of land between the proposed garage and the house is to be landscaped and a footpath leading up from the driveway to the house is proposed.

- 5.2.3 Boundary treatments are proposed and these would consist of 2m high close boarded fencing along the garden boundary with 'Hillah' and post and rail fencing between the two driveways of the two houses.
- 5.2.4 It is proposed that the house would achieve a Code for Sustainable Homes rating of Level 3 using sustainable and high insulation in the walls, windows, roof and floors.
- 5.2.5 This application is a resubmission of MA/12/0375. It was originally proposed to construct a two storey dwelling with a detached garage and associated driveway. The proposal was considered unacceptable, due its scale and design. It would have caused significant visual harm and would have been detrimental to the residential amenity of the occupants of 'Hillah', causing loss of light, privacy, and noise.
- 5.2.6 Pre-application discussions have since taken place with regards to this proposal and in particular with regard to its scale and design. This has led to this current scheme which reduces the size of the proposed dwelling and amends its layout and design.

5.3 **Principle of Development**

- 5.3.1 Development Plan and Central Government Policy encourage new housing in sustainable urban locations as an alternative to residential development in more remote countryside situations. In this case, the site lies within the urban area and is within walking distance of a number of shops, services and local bus routes. Therefore the site is considered to constitute a sustainable location. New housing in urban locations is acceptable in principle, especially where the wider character of the area is predominantly residential, but clearly the detail of the scheme must be appropriate.
- 5.3.2 The lack of a 5 year supply is a relevant factor but this does not, by itself, mean that this application should be approved. Indeed, this proposal would make a relatively marginal contribution to the borough's housing land supply position. It is the specific details of this proposal that, in my view, determine whether the development is acceptable.

5.3.3 In March 2012 the National Planning Policy Framework (NPPF) was adopted. Under paragraph 53 of the NPPF it is stated that "*local planning authorities should consider the case...to resist inappropriate development of residential gardens*". This does not mean to say that all development in gardens is unacceptable and should be refused. It is only in cases where the development would cause harm to the local area that proposals for garden development should be resisted. As with any development a balance must be struck between providing efficient use of the land and reflecting the pattern, character and grain of the surrounding development. This advice is reflected within the Kent Design Guide which seeks to ensure that development is of a good standard of design, and reflects the local character.

5.4 **Scale, Layout and Design**

5.4.1 One of the main issues of concern with the previous application, was the visual impact the development would have had on the character and appearance of the street and surrounding area. It was proposed to construct a two storey dwelling in the rear garden of a bungalow which, by virtue of its size and position would have been over dominant and visually intrusive.

5.4.2 In contrast, this proposal would cause significantly less visual harm. By virtue of its reduced height, the dwelling would appear less intrusive and imposing. Viewed against a backdrop of trees which line the northwest boundary and screened from Beechen Bank Road by shrubs and trees within the site and along the road embankment, the proposed dwelling would not impact upon the wider area. A well proportioned building, the proposed bungalow would sit well within the site and with space to the front and side.

5.4.3 The design of the proposed dwelling is simple but I consider this to be acceptable given the limited views of the dwelling and its limited impact upon the character and appearance of the street and surrounding area. Still, to ensure that a satisfactory external appearance to the development is maintained, details of the proposed materials and of the recesses of the proposed windows and doors should be submitted for approval.

5.4.4 No trees are proposed to be removed as part of the proposal with all existing trees on site to be retained. The retention of trees along the side and rear boundaries, softens the appearance of the development and ensures that the sylvan character of the area is preserved. The reduced length of the driveway

and the provision of soft landscaping to the front of the site would enhance the character and appearance of the locality and with a suitable, high standard of planting proposed, the proposed landscaping would not just enhance the development immediately, but in the longer term also.

5.4.5 The materials proposed within the development are brick and cream render with slate tiles. Windows are proposed to be white UPVC. I consider this to be acceptable within this locality. However I think it is important that samples of the brick and roof tile are submitted, to ensure a high quality finish of the development.

5.4.6 Overall, I am satisfied that the proposed design and layout of the development is of an acceptable standard. The proposal in my view would respond positively to local character of the area, in accordance with the Development Plan.

5.5 **Landscaping**

5.5.1 In terms of the landscaping, negotiations have taken place to ensure a suitable level of landscaping which is in accordance within the Council's adopted landscape character assessment and guidelines and an amended scheme has been submitted. The scheme shows a reduction in the length of the proposed driveway and proposes raised flower beds creating a terraced front garden. The proposed planting is a mix of native and ornamental species with Hazel, Holly and Copper Beech proposed. Details of the proposed ornamental shrubbery have not been confirmed.

5.5.2 The reduction of hardsurfacing at the front of the site and its replacement with landscaping is appropriate, creating a softer frontage, and enhancing the appearance of the new driveway, garage and footpath. The planting of new trees in my view would significantly improve the appearance of the development and maintain and enhance the sylvan character of the area. The proposed lawn and patio would provide the residents with good amount of private amenity space.

5.5.3 Overall, the proposed landscaping scheme is considered acceptable and would enhance the character and appearance of the area. I am therefore satisfied that the proposal complies with the Development Plan.

5.6 Highway Considerations

- 5.6.1 Local residents have raised concern that the proposed development causes a hazard to pedestrian safety due to the close proximity of the new access to the pedestrian underpass.
- 5.6.2 Taking the residents concerns into account, access into and out of the site will be via the new access proposed off Cossington Road. It is considered to be wide enough for the use proposed with good pedestrian visibility splays; the entrance to the underpass is highly visible. Given that the access will be onto a private residential street and visibility splays on the access are good, the impact on highway safety, in my view, would be minimal. In any case, the site is at the end of the road, and the condition of the road; it is unmade track; is such that vehicles using the road are unlikely to be travelling at high speeds.
- 5.6.3 Cossington Road would see some increase in the number of vehicle movements as a consequence of this proposal. However, as only one dwelling is proposed and the road is a no-through road, I do not consider that any harm to highway safety would be caused. Turning space is proposed within the new drive and this would allow vehicles to exit in forward gear. I therefore do not consider that any harm to pedestrian safety would be caused by this proposal.

5.7 Residential Amenity Considerations

- 5.7.1 In terms of the issue of residential amenity, local residents have objected to the development stating that the proposed dwelling would cause a loss of privacy and overshadow their property in The Covert and Brownlow Copse to the north. The proposed dwelling will be approximately 90m from the nearest house in Brownlow Copse. At this distance I am satisfied the proposed development would not have a detrimental impact upon the residential amenity of this property or indeed on any of the dwellings in Brownlow Copse.
- 5.7.2 With regard to the impact upon the dwellings in The Covert, the proposed dwelling will now be single storey and would be sited some 10m from the boundary of these houses. With protected trees along the north east and north west boundaries of the application site, and trees in the gardens of the neighbouring properties, I am satisfied that the proposed dwelling would not result in a significant or unacceptable loss of privacy to these houses. Likewise,

for these reasons I do not consider that the dwelling will cause a significant or unacceptable loss of light.

5.7.3 Considering the impact the proposal would have on the residential amenity of 'Hillah', the reduced height of the dwelling reduces the overbearing impact the development would have upon 'Hillah'. Sited to the north west of this property, the development will not result in any significant or unacceptable loss of light. With the removal of the second storey and the installation of 2m high close boarded fencing along the boundary of the application site with 'Hillah', the privacy of the existing dwelling would remain protected and no unacceptable overlooking of this property would be caused.

5.7.4 I note the neighbour's comments that the garage and driveway should be set back further into the site. However, in my view, the driveway and garage should be kept to the front of the site, as this reduces the amount of noise which would otherwise be caused to the occupants of 'Hillah', by vehicle movements on the drive.

5.7.5 I therefore consider that this proposal would not have any significant impact upon the amenities of the existing neighbouring occupiers, and as such the proposal complies with the policies within the Development Plan.

5.8 **Code for Sustainable Homes**

5.8.1 The applicant has stated within the application that the proposed development would achieve a Code for Sustainable Homes rating of Level 3. It is proposed that this will be achieved and high insulation in the wall, windows, roof and floors. This is acceptable and I suggest a condition is imposed accordingly to ensure such a level is achieved.

5.9 **Other Matters**

5.9.1 The site is a residential garden within the urban area of Walderlsade. With the exception of the surrounding trees, it is surrounded by houses with a road to the north west. Due to the level of building in the area and given that it is not located within close proximity of waterways, ponds or local wildlife sites, I do not consider that the proposal raises any ecological issues.

- 5.9.2 Considering the issues raised about drainage, the proposed driveway is to be constructed using block paving, the front garden would be terraced and landscaped and a soakaway is proposed at the foot of the driveway. To my mind the reduced amount of proposed hardstanding, the use of permeable surfaces and the proposed landscaping to the front of the site, would significantly reduce the amount of surface water draining into the road and prevent localised flooding in the street.
- 5.9.3 I note the neighbours concerns about the future occupiers converting the loft of the proposed dwelling to create a two storey dwelling. Given that any extension to the proposed dwelling would be likely to impact upon the amenity of the surrounding dwellings, I suggest a condition is imposed accordingly that removes permitted development rights to extend the dwelling, to safeguard the amenity of the surrounding neighbouring occupiers.

6. CONCLUSION

- 6.1 In conclusion, I consider that this is an acceptable proposal that would result in minimal harm to the character and appearance of the surrounding area. The proposal would not have a significant impact upon the existing residents of the locality, and would not be to the detriment of highway safety.
- 6.2 I consider that this proposal is acceptable and in accordance with the provisions of the Development Plan. With no overriding matters that would otherwise indicate a refusal, I recommend that the application is approved subject to the following conditions.

7. 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 not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) 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 in accordance with policies CC6 and BE1 of the South East Plan 2009 and advice contained within the National Planning Policy Framework 2012 .

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted with policies CC6 and BE1 of the South East Plan 2009 and advice contained within the National Planning Policy Framework 2012.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development and in accordance with policies CC6 and BE1 of the South East Plan 2009 and advice contained within the National Planning Policy Framework 2012.

5. The development shall not commence until, details of the proposed slab levels of the building(s) 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 in accordance with policies CC6 and BE1 of the South East Plan 2009 and advice contained within the National Planning Policy Framework 2012 .

6. The dwelling shall achieve a minimum of Level 3 of the Code for Sustainable Homes. The dwelling shall not be occupied until a final Code Certificate has been issued for them certifying that a minimum of 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 the National Planning Policy Framework 2012.

7. 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 - C shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers and in accordance with policies CC6 and BE1 of the South East Plan 2009 and advice contained within the National Planning Policy Framework 2012 .

8. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by 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) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety in accordance with policies T13 of Maidstone Borough-Wide Local Plan 2000 and policy T4 of the South East Plan 2009 and advice contained within the National Planning Policy Framework 2012 .

9. The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawings Hillah 04A and Hillah 06/A

Reason: To ensure the quality of the development is maintained and to prevent

harm to the residential amenity of neighbouring occupiers in accordance with and in accordance with policies CC6, BE1 and T4 of the South East Plan 2009 and advice contained within 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.