

APPLICATION: MA/13/0791 Date: 14 May 2013 Received: 14 May 2013

APPLICANT: Mr Mark Richards

LOCATION: 110A, MARION CRESCENT, MAIDSTONE, KENT, ME15 7DU

PARISH: Maidstone

PROPOSAL: A re-location of the dwelling previously permitted under reference MA/12/1538 as shown on site location plan and drawing no. 1202/AB/01B received on 2/5/13.

AGENDA DATE: 8th August 2013

CASE OFFICER: Geoff Brown

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

- Councillor Yates has requested it be reported for the reason set out in the report

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, T13
- Village Design Statement: N/A
- Government Policy: NPPF

2. HISTORY

MA/12/2291 - Erection of 1No. dwelling [ie a proposed new dwelling on the easternmost part of the application site] - Refused

MA/12/1538 - Erection of a dwelling with access and associated works – Permitted

MA/09/2002 - Planning permission for erection of 1no. dwelling with access and associated works – Permitted

MA/07/1963 - Outline planning permission for demolition of existing house and erection of three detached, four bedroom houses and one pair of semi detached three bedroom houses with layout, scale and access to be considered at this stage and all other matters reserved for future consideration – Refused

3. CONSULTATIONS

3.1 N/A

4. REPRESENTATIONS

4.1 COUNCILLOR YATES has requested committee consideration as "Access to the property is inadequate."

4.2 LETTERS OF OBJECTION HAVE BEEN RECEIVED FROM 5 LOCAL HOUSEHOLDS. The summarised points of objection are:

a) The development causes unacceptable overlooking of neighbouring properties. Trees and vegetation have been removed and is ineffective in preventing the loss of privacy. Trees have been wrongly plotted on the plans.

b) The white cladding used on the house is out of keeping with the character of the area.

c) Lighting on the property adversely affects wildlife.

d) The development has lead to increased vehicle congestion.

e) Emergency access is inadequate.

f) There is no need for a house here.

g) Planning notices were removed.

h) There has been a lack of consultation with neighbours.

i) The Council has failed to respond to objections and take action.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is located within the defined urban area off the south side of Marion Crescent. It involves a roughly rectangular piece of garden land to the rear of housing that fronts Marion Crescent and Sutton Road.

5.1.2 A new dwelling has been erected on the site following the granting of permissions outlined above, most particularly MA/12/1538. Off street parking for a single vehicle exists on the Marion Crescent road frontage. A pedestrian access

path then leads southwards between 110A and 112 to serve the house located on the aforementioned garden land to the south of Nos. 112 and 114.

5.2 Proposal

- 5.2.1 This application seeks approval for an alteration in the position of the dwelling previously approved under reference MA/12/1538. An enforcement investigation carried out as the dwelling was being constructed revealed that the building was not being constructed in the approved position: hence the need for this application.

The proposed dwelling is the same as approved under MA/12/1538 except that it has moved northwards by approx. 2m so that it is now approx. 3.5m from the boundary with Nos. 112 and 114 (to the north east) and approx. 3m from the boundary with 110A (to the north west). The new house is designed as a three bedroomed detached dwelling of conventional design facing north west. The house has a fully gabled roof. Materials involve red and yellow brickwork and white cladding under a tiled roof.

5.3 Considerations

- 5.3.1 Permission has already been granted for a new dwelling in this location, with this general layout and of this same design. The only issue here is whether the revised location has any adverse planning impact.
- 5.3.2 Looking at the impact on the character of the area, the shift in the position of the house is minor in this context and, in my view, has no discernible effect; particularly as this is a site tucked away behind built frontages. The site is well screened from the main public views and, in any event, the design and materials used are appropriate and reasonably in tune with character of the area. The use of horizontal white cladding board is not uncommon in the Maidstone area.
- 5.3.3 I note the comments of neighbours but I cannot agree that the development has a significant adverse impact on neighbouring properties. Other houses are too far away to endure any significant loss of outlook or light and the orientation of the proposed dwelling is such that there is no significant loss of privacy: the property essentially faces north west/south east thereby avoiding direct views to other dwellings and private garden areas. Only one window is shown at first floor level in the flanks and that is obscure glazed.
- 5.3.4 In my view there are no trees on the site of significant amenity value. The large conifer on the southern boundary would be removed and was shown to be removed in the previous scheme. It seems to me that the plotting of trees and shrubs on the submitted drawing broadly matches the situation 'on the ground'

and lack of detail does not matter given my view that the trees are of no amenity value and are not needed to provide a privacy screen given the distances involved and the orientation of the new house.

- 5.3.5 Neighbours complain as to the lighting of the house and the impact on wildlife but this is an urban area and I do not consider it reasonable to seek to restrict peoples' lighting preferences.
- 5.3.6 The access and parking arrangements are the same here as previously approved: it is not reasonable to seek to review those issues in this application. Councillor Yates regards the access arrangements as inadequate (presumably with regard to the access path between houses) but emergency access is not a planning issue. In any event, the house sprinkler system installed means that the building regulations are satisfied.
- 5.3.7 Whether a house is needed here or not is not a planning matter. The orange site notice was removed and the case officer replaced it. Notification letters were sent to all properties around the site that may be directly affected. In terms of actions taken by the Council, the enforcement team investigated potential breaches of planning control and informed the applicant that the shift in the position of the house required a fresh consent: hence this application.

6. CONCLUSION

- 6.1 Consideration of this application needs to focus on the planning impact of the shift in position of the house. In my view, this shift has no adverse impact and I recommend that the application be approved. The property is already built and occupied and I am satisfied with the detailing of the scheme: there is therefore no need for the normal range of pre-commencement conditions.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

- 1. 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, Class(es) A, B, C and D to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and amenity of the surrounding area.

2. The first floor bathroom window on the northeast side of the dwelling shall be maintained with obscure glazed to the satisfaction of the Local Planning Authority;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was acceptable as submitted and no further assistance was required.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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 there are no overriding material considerations to indicate a refusal of planning consent.