

APPLICATION: MA/13/1652 Date: 24 September 2013 Received: 25 September 2013

APPLICANT: Mr F Falcone

LOCATION: LAND REAR OF 43, SANDLING LANE, MAIDSTONE, KENT, ME14 2HU

PARISH: Maidstone

PROPOSAL: Erection of a detached dwelling (Amended design following previous refusal MA/13/0863) as shown on plan number 2231/4/A received 3rd January 2014 and Application Form received 25th September 2013.

AGENDA DATE: 6th February 2014

CASE OFFICER: Kevin Hope

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

- The application has been called to Planning Committee by Councillor Paterson for the following reasons:-

"Locally controversial proposal and overly intrusive on this small sized site. Loss of privacy to rear garden of No43 Sandling Lane through overlooking from dining room side window".

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6
- Government Policy: National Planning Policy Framework 2012

2. HISTORY

MA/13/0625 - Erection of first floor side extension and single storey rear extension - Approved with conditions.

MA/13/0863 - Erection of detached chalet bungalow and associated works - Refused.

3. **CONSULTATIONS**

- **KCC Highways** - Raise no objections with the following comments:-

"Provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority.

Provision and permanent retention of the vehicle parking space shown on the submitted plans prior to the use of the site commencing".

- **Environmental Health** - Raised no objections and referred to comments provided on previous application (MA/13/0863) included below:-

"The site is in a residential area and traffic noise is unlikely to be a problem. The site is within the Maidstone Town Air Quality Management Area and is just over 300m from a known air quality hotspot, but I do not consider the scale of this development and/or its site position warrant an air quality assessment. Any demolition or construction activities will definitely have an impact on local residents and so the usual informatives should apply in this respect.

There is no indication of land contamination based on information from the Maidstone Borough Council's contaminated land database and historic maps databases, and no indication from the latest British Geological Survey maps of any significant chance of high radon concentrations".

4. **REPRESENTATIONS**

- 11 representations including 7 representations in support of the proposal have been received raising a number of points as listed below:-
- Impact upon parking provision and loss of parking to No43 Sandling Lane.
- This would be overdevelopment of the area and reduce garden space for a family home at No 43 with the possibility of children playing outside the garden area on a very busy road.
- The proposed development would reduce light to the adjacent bungalow (Tinypine) in Woodlands Way.
- The proposed development would overlook the garden and rear of 45 Sandling Lane.
- The proposed development is not in keeping with the area.
- Development of this nature reduces the grounds ability to absorb rain water.
- If there is need for more housing in Maidstone I feel that there are many more appropriate sites than infill of this nature.
- Loss of boundary hedging around site.
- Existing on road parking within road and narrow road width.

- Proposed dwelling would project forward of the building line.
- Overbearing impact upon neighbouring properties.
- Increase in noise and disturbance.
- Harm to neighbouring amenity.
- Loss of light to No45 Sandling Lane
- Cramped form of development.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 43 Sandling Lane is a relatively large, two storey property that is set on the corner of Sandling Lane and Woodland Way (along its eastern boundary). The property is opposite the junction with Downs Road. The application site specifically relates to the rearmost (southern) part of this property's garden, where there is currently a detached, low level, garage.

5.1.2 This part of the site is now largely open, including the existing access from Woodland Way up to the garage, with most of the boundary fencing having been removed, although some temporary fencing is in place for security reasons.

5.1.3 The surrounding area largely consists of residential properties of differing scale, design and age; although there are three pairs of semi-detached bungalows to the south of the site. The application site is in the defined urban area as shown by the Maidstone Borough-Wide Local Plan 2000.

5.2 Proposal

5.2.1 Planning permission is sought for the erection of a detached dwelling. This application is an amended design following a previously refused application (MA/13/0863).

5.2.2 The proposed dwelling would have 1 bedroom and would be single storey in scale. This would measure some 6.5m in width and 8.5m in overall length. The dwelling would have a hipped roof with an eaves height and ridge height of approximately 2.2m and 4.8m respectively.

5.2.3 The dwelling would be sited towards the rear of the site, set back from the road by approximately 5.5m providing a garden area and driveway to the front. The private garden area would be provided to the side of the dwelling measuring 4.4m in width and 9.8m in length.

5.2.4 A material consideration is the history relevant to this site (MA/13/0863). This application was refused for the following reason:-

The proposed dwelling by virtue of its scale, design and siting relative to the narrowness of the site would create a cramped and visually incongruous development which would cause harm to the character and appearance of the area. To permit the development would be contrary to the aims of paragraphs 17, 56-57 and 64 of the National Planning Policy Framework.

5.2.5 This proposal comprised a single chalet bungalow comprising two bedrooms including a side dormer window. This was considered to be inappropriate in design and scale which is reflected in the reason outlined above. The current proposal comprises a revised design in an attempt to address the previous concerns.

5.3 Principle of Development

5.3.1 In terms of the principle of development, this proposal relates to an area of garden land. The National Planning Policy Framework 2012 (NPPF) states that:-

"Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."

5.3.2 However, the NPPF does encourage new housing in sustainable urban locations as an alternative to residential development in more remote countryside situations; and according to the NPPF, "*Housing applications should be considered in the context of the presumption in favour of sustainable development*". I have no argument against the site being in a sustainable area. Notwithstanding this, clearly the detail of any scheme must be appropriate and I consider the principle of this development to be acceptable where no significant harm is caused which would indicate refusal of permission.

5.3.3 The assessment detailed below will therefore assess the impact of the development in detail.

5.4 Design and Visual Impact

5.4.1 The National Planning Policy Framework makes it clear that any new development should seek to positively integrate with the character of the surrounding area.

5.4.2 The design proposed incorporates a modest hipped roof design which relates well to the overall form and footprint of the dwelling. This is similar in pitch and angle to others within Woodland Way and is a reduction of 1.3m from the previously refused application. The elevations of the dwelling are simple and include a suitable level of fenestration. The front elevation is responsive to the

streetscene in its frontage incorporating a projecting element to break up and add interest to its overall. Again, this design principle is used on dwellings in the street which include projecting bay window style extensions. Overall, I consider the proposed design is modest in scale and creates an appropriate resulting form to the building.

5.4.3 With regard to the visual impact, clearly the proposed dwelling would be highly visible and prominent within the streetscene of Woodland Way by virtue of the location of the site. However, in my view, the subservient roof design and ridge height of the dwelling would integrate well in to the streetscene and would not appear overly dominant. In terms of the building line the submitted block plan clearly shows the proposed dwelling would be forward of its neighbour to the south by some 4m. However, the host dwelling No43 itself is set at an angle and is a further 3.2m closer to the road. Therefore, although forward of neighbouring dwellings to the south, the proposed dwelling would be behind the side elevation of No43 forming the entrance to Woodland Way. I do not consider this siting to be visually harmful to the appearance or building line of the streetscene.

5.4.4 The impact upon the spacing within the street is also a key issue and in this case, the proposed hipped roof and modest eaves and ridge heights of the dwelling help to reduce the impact upon the spacing between properties. I acknowledged the site itself is limited although I do not consider the resulting space of 4.5m to 'Tinypine' to the south and 4.6m to No43 to the north to be harmful to the spacing within the street. Overall, I do not consider that this proposal would cause significant harm to the character or appearance of the streetscene.

5.5 Residential Amenity

5.5.1 Following comments received from Councillor Paterson, regarding the impact upon privacy to No43, a revised plan has been submitted showing only a high level window to the side northern elevation together with 1.8m high fencing. As a result, I consider the impact upon privacy of N43 has been addressed. With regard to neighbouring properties (45 Sandling Lane and Tinypine'), I consider that as the proposed plan indicates that 1.8m high close boarded fencing would form the boundary treatment to the northern and western boundaries, the privacy of these properties would be retained.

5.5.2 The proposed dwellings scale, location and separation distance from its immediate neighbours would also ensure that it would not appear overwhelming or cause a significant loss of light or outlook to any window or immediate outdoor amenity space.

5.5.3 No other property would be within a significant enough distance of the proposal to be adversely affected by it, consequently there would be no other amenity issues.

Amenity for Future Occupiers

5.5.4 The fenestration arrangements of the dwelling would result in acceptable levels of outlook, daylight and privacy for any occupant. Although on the side of the property, I consider the level of outdoor private amenity space to be acceptable for a dwelling of this size. Similarly, the resulting garden space retained for the occupants of No43 Sandling Lane, whilst modest, is not considered to be unacceptable.

5.6 Highways

5.6.1 The proposed development would provide one off-road parking space. I consider this to be acceptable for a one bedroom property in a sustainable built up area such as this. It should also be noted that the 'Kent Design Guide – Residential Parking' has not been formally adopted by Maidstone Borough Council and that there are no minimum or maximum parking standards that residential development has to adhere to. The KCC Highways Officer also raises no objections.

5.6.2 I note that this proposal would see the loss of parking provision for the host dwelling 43 Sandling Lane, however, the applicant has already constructed a replacement parking area to the front of the property (accessed via Woodland Way) under permitted development providing two parking spaces.

5.7 Landscaping

5.7.1 The site included some established hedging and conifer planting to the boundaries together with boundary fencing, however, much of this has now been removed. This did not include any protected trees or any that were worthy of protection. No additional landscaping has been shown on the submitted plans although suitable low level planting is expected within the garden area to the front and borders to the rear. As such, a landscaping condition requiring details of all boundary treatments and landscaping within the site to be submitted for approval prior to commencement will be imposed.

5.8 Other Matters

5.8.1 Given the existing residential use of the site and that is largely laid in hardstanding and well compacted soil (surrounding the existing garage), I do not consider there to be any significant issues with regards to a possible impact

upon protected species. I therefore consider it unjustified to request any further details with regards to ecology or biodiversity.

- 5.8.2 The site is not within a Flood Zone, as designated by the Environment Agency and is not within close proximity of any noticeable watercourse. Therefore, this development would not be prejudicial to flood flow, storage capacity and drainage within the area.
- 5.8.3 A suitable condition has been included ensuring the dwelling achieves code level 4 of the code for sustainable homes. This is in accordance with the emerging policy within the draft local plan. Whilst I acknowledge that this is a draft policy, there is no other adopted policy requiring a lower level and therefore I consider the draft policy holds weight in this respect. I therefore consider it is reasonable to require level 4 to be achieved by condition.

6. CONCLUSION

- 6.1 It is therefore considered overall that the proposal is acceptable with regard to the relevant provisions of the Development Plan and amenity impacts on the local environment and other material considerations. I therefore recommend that the application should be 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.

3. 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 E to that Order shall be carried out without the permission of the Local Planning Authority;

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

4. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and 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 and to safeguard the enjoyment of their properties by existing and prospective occupiers.

5. 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.

6. 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.

7. 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 (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 the guidance contained within the National Planning Policy Framework 2012.

8. The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan number 2231/4/A received 3rd January 2013.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

9. The dwelling shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that at least Code Level 4 has been achieved;

Reason: To ensure a sustainable and energy efficient form of development.

Informatives set out below

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the EHM regarding noise control requirements.

Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the EHM.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

Storage of waste and recyclable materials;
Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager.

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.