

APPLICATION: MA/13/1810 Date: 19 October 2013 Received: 22 October 2013

APPLICANT: Remake Ltd

LOCATION: 17, LAMBOURNE ROAD, BEARSTED, MAIDSTONE, KENT, ME15 8LZ

PARISH: Bearsted

PROPOSAL: Erection of an end of terrace dwelling as shown on drawings received on the 22nd October 2013.

AGENDA DATE: 16th January 2014

CASE OFFICER: Graham Parkinson

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: H18
- Government Policy: NPPF

2 RELEVANT HISTORY

- 2.1 12/0127: Erection of end of terrace dwelling- REFUSED –APPEAL DISMISSED
(Copy of decision notice attached as Appendix 1)

3 CONSULTATIONS

- 3.1 Bearsted Parish Council: Objects for the following reasons:

- Shoehorning of an additional dwelling at the end of an existing terrace will erode the limited amount of un-built spaces within the surrounding area and be at variance with the fundamental design principles of this estate;
- the proposed dwelling house will still have grossly inadequate garden and amenity space even if for only a one bedroom dwelling; and
- the additional parking generated by the proposal will significantly aggravate severe parking problem in Lambourne Road which, at present, creates serious difficulties for service and emergency vehicles needing to access the area.

3.2 Kent Highway Services: No objection

3.3 MBC Landscape: No objection subject to imposition of a condition to secure planting as proposed.

4. REPRESENTATIONS

4.1 Neighbours: 17 properties consulted- 6 objections received which are summarised as follows:

- Similar form of development previously refused and dismissed at appeal and addressed none of the objections raised by the Inspector.
- Though proposal described as a modest 1 bedroom dwelling it is of the same depth and only 500-600mm narrower.
- Other single bedroom houses built in the area maintain space to the side of the dwelling.
- Plot is too small and the proposal still results in cramped and overcrowded development.
- Will result in loss of garden land contrary to Government policy
- Insufficient parking that is also difficult to use – will worsen existing parking conflicts in the locality.
- Dwelling will appear out of character with its surroundings.
- Result in loss of privacy and overshadowing to properties abutting the site.

5. CONSIDERATIONS

5.1 SITE DESCRIPTION:

5.1.1 The application site forms part of the side garden area of 17 Lambourne Road an end of terrace unit abutting a parking and turning area. The immediate area is characterised by mainly terraced houses.

5.2 DESCRIPTION OF PROPOSAL:

5.2.1 The proposal involves the erection of end of terrace one bed unit to be sited on the area currently providing flank amenity space to 17 Lambourne Road. The proposed dwelling has been designed with a lower ridge and eaves height and is set at a slightly lower level than 17 Lambourne Road.

5.2.2 The proposed unit will have flank aspect onto the adjoining turning and parking and a rear amenity area 3.6 metres wide 5 metres deep. The amenity area remaining with 17 Lambourne Road will be just under 5 metres wide by just under 8 metres deep.

5.2.3 A total of 3 parking spaces are shown to serve the existing and proposed unit to be sited on the existing garage and parking area currently serving 17 Lambourne Road.

5.3 DISCUSSION:

5.3.1 Given the recent refusal for a similar end of terrace dwelling (ref:MA/12/0127) which was dismissed on appeal, the key issue is whether the revised proposal materially addresses the objections raised by the Inspector. These are summarised below:

- Flank wall of the proposed dwelling would be positioned close to the back edge of the pavement and have a largely blank flank wall.
- Proximity to the pavement and lack of features would make it appear dominant and intrusive in the street scene and in conjunction with loss of open space abutting 17 (although fenced off) and limited vegetation would result in a material urbanisation of the area.
- Proposed dwelling would be only slightly narrower than other properties in the adjoining terrace. However restricted garden and external detailing would emphasise difference in size making it appear cramped in its setting.
- Did not identify any material erosion in standards of privacy given the layout of the area and proximity of houses to one another.
- Did not identify any material harm in parking terms.
- Agreed that though the size of garden was small it was nevertheless usable. Given the proximity of the site to Mote Park and that future occupants would assess their own needs did not identify any harm in this respect.
- The provision of an additional small dwelling was a material consideration in favour of the proposal but given the identified shortcomings was not sufficient to weigh in favour of the proposal.

5.4 Impact on character of area:

5.4.1 The proposal now shows the flank wall of the dwelling set, on average, 1 metre back from the pavement with a landscaped strip intervening. In addition the dwelling now has a flank orientation with the main entrance door and two first floor windows on what was formerly a 'blind' elevation.

5.4.2 These measures combine to assist in reducing the dominance of the dwelling on the street scene. Consequently while some loss of the open area abutting the flank of 17 Lambourne Road is still proposed, it is considered that the amended design ensures that the proposed unit now makes its own design contribution to the street scene around this exposed corner thereby minimising the impact of the loss of openness to an acceptable level.

5.4.3 The proposal dismissed at appeal showed the terrace extended in identical manner to match the existing houses carrying through both the ridge and eaves line. It was however slightly narrower and the Inspector took the view that this and the external

detailing would emphasise the size difference compared to dwellings comprising the existing terrace making it appear cramped in its setting.

- 5.4.4 The current proposal now shows a subordinate design with lower ridge and eaves heights and reduction in width enabling the proposed dwelling to be set back from the flank pavement line. It now clearly represents a recessive feature in design terms such that if what was being proposed was a two storey flank addition (rather than a new dwelling) it could be seen to comply with the terms of the extensions SPD. As such it is considered that the Inspectors objections based on cramped and overcrowded development out of character with its setting no longer apply.
- 5.4.5 The asymmetric proportions and design and siting of windows on the front elevation still leave something to be desired in design terms. It is considered that the proposed dwelling effectively has two key frontages and design improvements are also required to the front (south elevation) in order to improve its contribution to this street scene. However it is considered that only minor design changes are necessary which can be secured by condition.

5.5 Impact on the outlook and amenity of properties overlooking and abutting the site

- 5.5.1 Concerns have been raised that the proposal would result in loss of outlook, loss of privacy and loss of light to residents abutting the site.
- 5.5.2 Loss of outlook has been addressed above in that it is considered that in design and siting terms the revised proposal is now acceptable.
- 5.5.3 In relation to privacy the Inspector concluded that though a 'back to back' separation distance of 15 metres might in some circumstances be considered inadequate this would be no different to that between other properties in the two terraces. The current proposal maintains the same 'back to back' relationship as the appeal proposal. As such objection on these grounds cannot be sustained.
- 5.5.4 Regarding loss of sunlight and daylight, the Inspector concluded that there was unlikely to be any material impact on the amount of daylight and sunlight reaching neighbouring properties. Given that the height and width of the current proposal is less than the appeal proposal it is considered that it is also acceptable on daylight and sunlight grounds.
- 5.5.5 Turning to the remaining issues the Inspector raised no objection on overlooking or to the size of the amenity area/s. None of these matters has been materially altered as part of the current proposal.

5.6 Amenity of future occupants:

- 5.6.1 Dealing first with the internal layout of the proposed unit, the rooms are well proportioned and of reasonable size. It will be served by a rear amenity area 3.6 metres wide 5 metres deep.

5.6.2 Concerns have nevertheless been raised that the amenity area is inadequate. At the appeal, the Inspector agreed that the size of garden was small but nevertheless concluded that it was usable. In making this judgement he took into account the proximity of the appeal site to Mote Park and that future occupants would assess their own needs. As such he did not identify any harm in this respect. As the current proposal has amenity area the same size as that serving the appeal proposal, it therefore follows that there can be no sustainable objection on these grounds.

5.6.3 As such it is considered that the proposed development will provide an acceptable living environment in line with modern standards. However in order to prevent overdevelopment of the site pd rights to extend the dwelling and erect outbuildings should be withdrawn.

5.7 Highway and parking considerations:

5.7.1 Concerns have been raised that the proposal would substantially worsen existing parking conflict within the locality. When the Inspector looked at this issue at the appeal in the absence of any evidence of harm he saw no reason to find the development unacceptable on these grounds. Given that the revised proposal is only for a single bedroom unit (the appeal proposal was for a two bedroom unit) but that parking provision remains the same, there is considered to be no reasons for objecting on these grounds and this view is supported by Kent Highway Services.

5.8 Sustainability:

5.8.1 Solar panels will be incorporated into the south facing roof slope of the building but no further details have been provided regarding sustainable construction. This is a matter that can be addressed by condition.

5.9 Other matters:

5.9.1 Concern has been raised that the proposal represents 'garden grabbing' and is therefore contrary to Government Guidance on such matters.

5.9.2 The National Planning Policy Framework at paragraph 53, 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.

5.9.3 The Council does not have adopted Supplementary Planning Guidance addressing such concerns. Each application must therefore be considered on its merits. For the reasons set out above it is considered that there is no objection to the proposal on these grounds.

6. CONCLUSIONS

6.1.1 It is considered that current proposal addresses the previous Inspectors objections to development of this site and as such, is now acceptable in its impact on the character and layout of the locality. Furthermore it will not materially harm the outlook and amenity of residents overlooking and abutting the site, provide an acceptable living environment for future residents of the dwelling while being acceptable in highway and parking terms. Finally it will also make material contribution to the stock of small dwellings in the Borough. In the circumstances it is therefore considered that the balance of issues fall in favour of the proposal and that planning permission should be granted.

7. RECOMMENDATION

GRANT PLANNING PERMISSION SUBJECT TO 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. Notwithstanding the amended details to be approved under condition 8, the development hereby permitted shall be carried out in accordance with the following approved plans: as shown on drawings received on the 22nd October 2013.

Reason: To ensure the quality of the development is maintained in the interests of amenity.

3. External materials to be used in the development hereby approved shall match those used in the construction of 17 Lambourne Way.

Reason: To ensure a satisfactory appearance of the development.

4. The submitted landscaping scheme shall be carried out in the first available planting season following first occupation of the development hereby permitted. 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.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Classes A, B, and E 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 in the interests of amenity.

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 it certifying that Code Level 3 has been achieved;

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

7. The dwelling hereby approved shall not be occupied until access and parking provision has been provided wholly in accordance with the approved details which shall be retained at all times thereafter with no impediment to their intended use.

Reason: In the interests of the free flow of traffic and highway safety.

8. Before the development hereby approved commences revised details of the south facing elevation shall be submitted for prior approval in writing to the Local Planning Authority. The south elevation shall be amended to make it clear that it is a principal elevation. The approved shall be implemented as part of the development hereby approved.

Reason: In the interests of visual amenity.

Informatives set out below

Design Advice:

In discharging the terms of condition 8 it is considered that this would be achieved by the provision a bay window or other forward projecting feature replicating the size and design of the existing porch at 17 Lambourne Road.

Controls on site:

1. Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974

and to the Associated British Standard Code of practice BS5228:1997 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 Environmental Health Manager regarding noise control requirements.

2. Clearance and subsequent burning of existing woodland or rubbish must be carried out without nuisance from smoke, etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

3. 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.

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

5. Reasonable and practicable steps should be used during any demolition or removal of existing structure and fixtures, to dampen down, using suitable water or liquid spray system, the general site area, to prevent dust and dirt being blown about so as to cause a nuisance to occupiers of nearby premises. Where practicable, cover all loose material on the site during the demolition process so as to prevent dust and dirt being blown about so as to cause a nuisance to occupiers of nearby premises.

6. The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours is advisable. Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

Highways:

This planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 0300 333 5539) in order to obtain the necessary Application Pack.

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.