

## REPORT SUMMARY

<b>REFERENCE NO - 14/500583/FULL</b>			
<b>APPLICATION PROPOSAL</b> Proposed first floor and rear extension and creation of new dwelling to create pair of semi-detached houses as shown on Plan numbers PL-01, PL-02, PL-03, PL-04, PL-05, PL-06, Design and Access Statement and Application Form received 17 <sup>th</sup> June 2014.			
<b>ADDRESS</b> 7 Cavendish Way Bearsted Kent ME15 8PW			
<b>RECOMMENDATION -</b> Approve with conditions			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The proposed development is in a sustainable location within the defined urban area and within an established residential area. The proposed additions are not considered to cause any significant visual harm and given the current shortfall in the required five-year housing supply, the development is considered to be in compliance with the National Planning Policy Framework and as such, approval subject to conditions is recommended.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> The application is contrary to the views of the parish council.			
<b>WARD</b> Bearsted	<b>PARISH/TOWN COUNCIL</b> Bearsted	<b>APPLICANT</b> Mr & Mrs Ryder <b>AGENT</b> Mr Matthew Woodhams	
<b>DECISION DUE DATE</b> 12/08/14	<b>PUBLICITY EXPIRY DATE</b> 12/08/14	<b>OFFICER SITE VISIT DATE</b> 25/08/14	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
MA/88/1555	Extension of bungalow.	Refused	Nov 1988
MA/14/0349	Single storey dwelling in garden	Refused - (Appeal in progress)	July 2014

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site comprises a rectangular shaped residential plot located within the urban area of Maidstone. The site lies within an established residential area with comprises a range of dwellings of different styles, and ages. These dwellings are generally two storey in

scale, although the application property and its neighbours to the eastern side of Cavendish Way are bungalows. The pattern of development and building line is generally consistent within this part of Cavendish Way.

- 1.02 The dwelling has been the subject of a number of past extensions to both side elevations as well as a rear conservatory. There is a significant south east facing rear garden which extends some 38m in overall length which includes some border planting and 1.8m high boundary fencing.
- 1.03 The application dwelling has a front paved drive which provides some parking provision. There is also a single garage and access to the rear of the site providing further parking. This is accessed via a bridleway running north east to south west along the rear boundary of the site (Public Right of Way KM79).

## **2.0 PROPOSAL**

- 2.01 Planning permission is sought for the erection of a detached garage and the erection of a first floor extension and rear extension to facilitate the creation of a new dwelling to create pair of semi-detached houses.
- 2.02 The proposed first floor additions would extend the hipped roof to the flank elevations and include side dormer windows. This would extend the roof by some 2m to each side with the dormer windows projecting a further 1.5m. The proposed rear addition would continue the hipped roof appearance of the dwelling extending the roofline some 9.1m from the existing ridge at the current ridge height. This rear extension would have a total width of some 10.8m and an eaves height of approximately 4m.
- 2.03 The proposal also comprises a detached 3 bay garage within the rear garden. This would measure some 9.3m in width and 5.8m in depth. The garage would have a pitched roof with a ridge height and eaves height of 5.1m and 2.2m respectively.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: ENV6  
Supplementary Planning Documents: MBC Residential Extension SPD 2009

## **4.0 LOCAL REPRESENTATIONS**

- 4.1 No representations have been received.

## **5.0 CONSULTATIONS**

**Bearsted Parish Council** - Raises objections to this proposal and requests that it is reported to the planning committee for the following reasons:-

*"Bearsted Parish council objects to this application because it comprises a massive over-development of the site, seriously out of character with the existing dwelling and most significantly, with the character of the street scene and because it will be severely detrimental to the amenities of the dwellings on either side 5 and 9 therefore Bearsted Parish Council would like to see the application refused".*

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

*"I write to confirm on behalf of the Highway Authority that I have no objection to this proposal. I consider that the car parking allocations proposed at the front of the property are suitable and I also wish to confirm that it is my understanding that Cavendish Way is an unclassified road. I understand that this authority's rights of way team wish to be consulted regarding arrangements to the rear of the property.*

*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](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack".*

**KCC Public Rights of Way** - Raise no objections with the following comments:-

*"Thank you for your letter received concerning Full Planning permission for the site indicated above. The proposed development site can be accessed via Public Right of Way bridleway KM79 from the end of the garden. The location of this bridleway is indicated on the attached map extract. The existence of the right of way is a material consideration. The Definitive Map and Statement provide conclusive evidence at law of the existence and alignment of Public Rights of Way. While the Definitive Map is the legal record, it does not preclude the existence of higher rights, or rights of way not recorded on it.*

*I note that the vehicular access route for the development uses this Public bridleway. I must make the applicant aware that it is an offence under Section 34 of the Road Traffic Act 1988 to drive a mechanically propelled vehicle along a Public Bridleway, except with lawful authority. Also the County Council has a controlling interest in ensuring that Public Bridleways are maintained to a level suitable for use by pedestrians and equestrians. Any maintenance to a level required for private vehicular access would be the responsibility of the landowner or those granted private vehicular access rights. and any damage caused by motor vehicles would need to be repaired by them.*

*I also note that at present there is an authorised fixed bollard on the bridleway preventing vehicular access from the northern end/A20 to the development site. Due to specific local considerations it will not be possible to remove this bollard, even temporarily, to allow vehicular access to the site from the north. I would expect a condition in the planning permission in light of the specific local circumstances stating Public bridleway KM79 is not to be used for vehicular access from the A20 end to the development site at any time.*

*If this condition can be added to the planning permission then I have no objection to the application.*

*Please inform the applicant of the following General Informatives:-*

- 1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:*
- 2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of this office.*
- 3. There should be no new close board fencing or similar structure over 1.2 metres erected which will block out the views:*
- 4. No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.*
- 5. No Materials can be stored on the Right of Way.*

*Please also make sure that the applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority”.*

## **6.0 Principle of Development**

- 6.01 In terms of the principle of development, the site is located in a sustainable location, within the urban area, where a range of uses, including new housing, is acceptable in principle.
- 6.02 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should; “Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.”

- 6.03 The Council does not currently have a five year supply of housing land which is a significant factor. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development which I consider this site to be.
- 6.04 Being the extension of an existing dwelling to create an additional property, the site does partly comprise garden land and therefore, as stated within the NPPF, this comprises Greenfield land. However, in light that the site is a sustainable site, I consider that a residential development at the site is possible. The key issue is whether there would be any adverse impacts as a result of this development which would therefore warrant refusal. This will be assessed within the sections to follow.

### **Visual Impact and Design**

- 6.05 In terms of the design and scale, I consider the proposed first floor additions would relate well to the overall form of the building in maintaining its hipped style. The proposed front and side dormer windows are also of an appropriate scale in relation to the roof slope. The rear addition proposed is more dominant by virtue of the maintained ridge height, projection and width including rear dormers, although this would only project 1m beyond the existing conservatory and I do not consider this would cause significant harm to the appearance of the dwelling. As such, I consider the scale and design proposed to be acceptable.
- 6.06 In terms of the wider area, the application dwelling is particularly prominent being opposite the junction with Shirley Way, although it is viewed in the context of Cavendish Way. The character of the neighbouring dwellings generally includes hipped roofs; although there are examples of roof extensions and dormers within this row of dwellings. The proposal would differ from this general appearance with a different roof form as well as front and side dormer windows, however, the ridge height would be maintained and in my view, this proposal would not appear visually harmful to the character and appearance of this streetscene overall. Views of the garage would be possible from the bridleway to the rear, although ancillary buildings in rear gardens are common within the neighbouring properties. The proposed garage is larger than existing, although I do not consider this would cause any significant visual harm.

### **Residential Amenity**

- 6.07 In terms of neighbouring amenity, whilst there would be some impact as a result of the increased bulk of the application property, I do not consider this would cause a significant loss of light, outlook or overshadowing by virtue of the maintained separation between the dwellings. In terms of privacy, whilst the proposal does include side dormer windows, they would not afford significant views of the neighbouring dwellings due to their position within the side elevations. Two rooflights are also shown to each elevation which are further to the rear and consequently, a condition will

be imposed to restrict these to be obscure glazed in the interests of privacy.

- 6.08 In terms of amenity for future occupiers, the rear garden space has been separated to form two amenity areas for the dwellings. This is not equal to allow sole use of the proposed garage to one dwelling. I consider the amenity space shown to be sufficient for a property of this size.

### **Highways**

- 6.09 In terms of the impact upon highways, the proposal involves the retention of the parking areas to the frontage of the dwellings which would provide two spaces per dwelling. There would also be the additional parking for one dwelling within the detached garage to the rear. KCC Highways have been consulted on this and they have raised no objections. I agree that this proposed provision is acceptable.
- 6.10 Comments have also been received from KCC Public Rights of Way with regard to the impact upon the impact upon the bridleway which extends along the rear boundary of the site. They have raised concerns regarding the impact from vehicular movements upon the bridleway but have not raised objections. Vehicular travel is already restricted by a permanent bollard to the northern entrance and therefore no through travel is possible. A condition has been suggested to restrict this further, although I do not consider this is reasonable or necessary given that the bollard is permanently in place.

### **Landscaping**

- 6.11 There are no protected trees or any significant planting with a high amenity value within the site. There is some border planting within the site and some would be lost as a result of this application. There is also a significant level of hardstanding to the front of the dwelling. I will therefore impose a condition requiring details of additional soft landscaping to the front and rear of the site to be provided.

### **Ecology**

- 6.12 In terms of ecology, whilst there are some established hedge and shrubs to the rear, the garden is in a maintained state and to my mind, is unlikely to support any protected species. I therefore do not consider an ecology survey is necessary in this case.
- 6.13 In terms of biodiversity enhancement, discussions have taken place with the agent concerning the provision of bird boxes within the detached garage which will be secured by a suitable condition. Appropriate native landscaping is also encouraged to support this.

## **7.0 CONCLUSION**

- 7.01 Overall, having regard to the provisions of the Development Plan, National Government Guidance and all other material considerations, I conclude that this proposal would be acceptable in its design and would not have a

significant impact upon the character or appearance of the streetscene or locality.

## **8.0 RECOMMENDATION**

For the reasons outlined above, I therefore recommend approval with the following conditions:-

### **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 materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development.

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 for the site including planting to the front of the dwellings, 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. 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.

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.

5. 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, Part1, Class(es) A,B,C 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.

6. 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.

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 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.

8. The development shall not commence until details for the provision of bird boxes within the development has been submitted to and approved in writing by the Local Planning Authority;

Reason: In the interests of ecology and biodiversity.

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

Plan numbers PL-01, PL-02, PL-03, PL-04, PL-05, PL-06, Design and Access Statement and Application Form received 17<sup>th</sup> June 2014.

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

## INFORMATIVES



1. The applicant should be aware that the granting of this planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority. You should contact the highways authority for further information regarding the use of the affected bridleway (KM79).
2. The applicant should be aware of the following informatives of in relation to the bridleway.
  - No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:
  - There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of this office.
  - There should be no new close board fencing or similar structure over 1.2 metres erected which will block out the views:
  - No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.
  - No Materials can be stored on the Right of Way.

Case Officer: Kevin Hope

**NB** For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.