

<b>REFERENCE NO - 18/503410/FULL</b>		
<b>APPLICATION PROPOSAL</b> Demolition of existing garage and erection of a 4 bedroom four storey attached house. Internal alterations to main house.		
<b>ADDRESS</b> 130 Upper Fant Road Maidstone Kent ME16 8BU		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>		
<ul style="list-style-type: none"> <li>• The application site represents a sustainable location with good access to facilities and services, including public transport, within the wider Maidstone urban area. The broad principle of the infill development of the site is therefore acceptable.</li> <li>• The additional dwelling would reflect the existing built form in terms of its appearance and would be absorbed into the existing character, pattern and layout of the built environment. Given its harmonious appearance in relation to the existing terrace of houses, the proposal would appear as a congruous addition to the streetscene. The amenity impact of the proposal would be acceptable and accord with Policy DM1 of the local Plan.</li> <li>• The parking provision and highway impact of the proposal would be acceptable.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE</b>		
The local Member – Cllr Harper, has called the item to committee as he considers that the proposal represents over development in an already contested area, there is no recognition to the existing street scene in Lower Fant road, and also the proposed lack of parking will have a detrimental impact on neighbours.		
<b>WARD</b> Fant	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Mr Tarek-Ali Al-Ayoubi <b>AGENT</b>
<b>TARGET DECISION DATE</b> 07/09/18		<b>PUBLICITY EXPIRY DATE</b> 08/08/18

**Relevant Planning History**

03/1065

Replacement of existing flat roof to garage with a tiled pitched roof, as shown on two unnumbered drawings showing elevations and floor plans received on 14.05.03.

Approved Decision Date: 18.07.2003

**MAIN REPORT**

**1.0 DESCRIPTION OF SITE**

- 1.01 The application site sits to the side of a terraced house, on the corner of Upper Fant Road and Lower Fant Road. It currently houses a side garage for the use of the host dwelling. This is set to the rear side of the house. The garden has a large side and front area which is currently used for parking. Access is available from both the front and side of the house.
- 1.02 The site tapers from a wide frontage to a more narrow rear garden. It is set over 4 floors with the basement set within a lightwell area at the front and the ground level dropping away so that the basement is fully exposed at the rear.
- 1.03 The site is within the Maidstone urban area and is characterised by closely spaced high density housing. The application site is at the end of an existing terrace of houses. On the opposite side of the road sit larger semi detached houses.
- 1.04 The opposite corner, across from the junction with Lower Fant Road is, for the area, uncharacteristically open in character with a significant gap before the next house to the West on Upper Fant Road. As detailed below, permission has recently been granted for a new dwelling on this site. A row of terraced 3 storey houses sit on Lower Fant Road with their frontages facing the side boundary of

the application site. The front building lines of these houses are set approx. 13.5-14.5m from the boundary with the application site.

- 1.05 Permission has recently been granted under application reference number 18/500882/FULL for an additional dwelling on the end of the terrace on Lower Fant Road facing towards the side boundary of the application site. This sits further back from the front building line of the other terraced dwellings.
- 1.06 The site backs an area of parking and a single storey garage after which the side boundary of 63 Lower Fant Road sits approx. 34m to the South.

## **2.0 PROPOSAL**

- 2.01 Permission is sought for a 4 storey dwelling to be attached to the existing end of terrace house. The new dwelling would sit in line with the front and rear building line of the host dwelling and is shown, where it presents to the streetscene, of a height and design to match it and the other buildings in the terrace.
- 2.02 The front door of the existing dwelling is shown as being moved to the front elevation of the dwelling to match the other houses in the terrace.
- 2.03 The dwelling would sit approx. 0.7m from the side boundary of the site where it adjoins Lower Fant Road. Parking for 1 vehicle is shown in front garden of both the existing and the proposed dwelling. This would replicate the arrangement in the rest of the terrace.
- 2.04 The front elevation of the proposed dwelling is shown to replicate the rest of the terrace in all regards, including scale, design and use of materials. However the building is shown as splaying inwards towards its rear so that the rear elevation is narrower than the rest of the terrace.
- 2.05 In response to concern about the detailed appearance of the dwelling, revised plans have been submitted which show the materials and detail of each elevation to match the existing.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2017 SS1, SP1, H2, DM1, DM2, DM11, DM23

## **4.0 LOCAL REPRESENTATIONS**

### **Local Residents:**

- 4.01 10 representations received from local residents raising the following issues:
  - The proposal will result in increased parking pressure on the locality.
  - Negative impact on highway safety
  - The junction where Lower Fant road meets Upper Fant road, has limited visibility and the proposal will impact on highway safety
  - Noise and disturbance resulting from additional occupants
  - Density of building in the local area which is not in keeping with its original use

- The cumulative impact of the development when considered alongside other development will have an adverse impact on the area.
- Out of keeping with the character of the area – will appear cramped
- Impact on view of the wildlife area.
- No neighbour notifications or site notice

A letter has been received from the applicant advising the following:

- There would be no subtracting of any car parking spaces because where the dropped curb currently is on Lower Fant Road would be raised and a curb installed which would create more room for someone to park on the road. The current dropped curb is redundant as a car doesn't fit onto that part of the driveway plus the angle to turn into the garage makes the garage impossible to use for a vehicle.
- There is currently room on the driveway for 2 vehicles comfortably, not 4-5 vehicles. Vehicles are unable to exit from the property onto Lower Fant Road.
- A vehicle did not crash into the front boundary wall. In fact, the applicant hit the wall himself while trying to turn around on the road with a trailer being towed attached onto the back of his car.
- Comments regarding an 8 bedroom house or its use for 8 occupants are untrue.

## **5.0 CONSULTATIONS**

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

### Kent Highways

- 5.01 Kent Highways note that the access has a good personal injury collision record. The parking provision is in keeping with the guidance in the Kent Design Guide, Interim Guidance Note 3 (IGN3). IGN3 advises that 4 bedroom houses in an edge of centre location should be provided with a maximum of 1.5 spaces per unit. Having reviewed the area in the immediate proximity of the site they state that there are a range of existing parking restrictions, including double and single yellow lines. The on-street parking controls already in place enable them to conclude that the proposed development will not result in on street parking behaviour that could cause hazards to other road users
- 5.02 The dropped kerbs that are situated west of the garage and that will become redundant as a result of the proposals will require raising to accord with the revised access arrangements. In addition, the applicant should be required to submit a construction management plan as part of their planning conditions/obligations, given the constrained nature of the site.
- 5.03 Confirm no objection to the proposals on behalf of the local highway authority.

## **6.0 APPRAISAL**

### Main Issues

- 6.01 The key issues for consideration relate to:
- Principle of development
  - Character and appearance

- Residential amenity
- Parking and highways

### **Principle of development**

- 6.02 Government guidance in the NPPF and Local Plan policy are generally supportive of new housing in sustainable urban locations as an alternative to residential development in more remote countryside locations. The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The application site is considered to represent a sustainable location with good access to facilities and services, including public transport, within the wider Maidstone urban area. The principle of infill residential development in such locations is considered acceptable as demonstrated at the neighbouring site as approved under application 18/500882/FULL.
- 6.03 Local Plan policy SP1 states that within the Maidstone Urban Area, appropriate urban sites should be redeveloped and infilled in a manner that contributes positively to the locality's distinctive character.
- 6.04 Local plan policy DM11 seeks to allow development where it can be absorbed into the existing character, pattern and layout of the built environment without detriment to visual amenity. It states that the development of domestic garden land to create new dwelling will be permitted where it meets a set of criterion including that the proposal will not result in in significant harm to the character and appearance of the area, there is no significant loss of privacy, light or outlook for adjoining properties and / or their curtilages, access can be provided to a suitable standard, and there would be no significant impact from traffic gaining access to the development.
- 6.05 The broad principle of the development of the site within the urban area therefore accords with local and national policy.

### **Character and appearance**

- 6.06 Paragraphs 56 and 57 of the NPPF states that the Government attaches great importance to the design of the built environment. Planning policies and decisions should not attempt to impose architectural styles or particular tastes, however, it is proper to seek to promote or reinforce local distinctiveness.
- 6.07 Local Plan Policy DM1 seeks to achieve high quality design in all development proposals, and to achieve this, the Council expects proposals to positively respond to, and where appropriate enhance the character of their surroundings. The key aspects of a development proposal are its scale, height, materials, detailing, mass, bulk and site coverage. To achieve this, the Council expects proposals to positively respond to, and where appropriate enhance the character of their surroundings
- 6.08 Local plan policy DM11 seeks to only allow development where it can be absorbed into the existing character, pattern and layout of the built environment without detriment to visual amenity. It states that the development of domestic garden land to create new dwellings will be permitted where it meets a set of criterion including that the proposal will not result in in significant harm to the character and appearance of the area.
- 6.09 The proposed new dwelling is shown as located on the end of an existing row of terraced houses all of matching design, height and scale. The proposal would match the terrace to the front elevation in terms of size, proportion and detailed appearance. However the proposed house is shown to splay inwards to the rear

and as such, the rear elevation would appear narrower than the other houses in the terrace.

- 6.10 In response to concern about the detailed appearance of the side and rear elevation, amended plans have been submitted which show additional detailing to the side and rear elevation. The side elevation would be finished to match the existing with yellow facing brickwork and red brick band and quoins, matching door and fenestration. The rear elevation, although of a differing width to the existing would continue the pattern of lower rendering with upper ragstone panels and red brick quoins.
- 6.11 The area is one of a dense urban grain, and the current space is not of sufficient enough value within this context to require its preservation. The additional dwelling would generally reflect existing built form in terms of both appearance and proportions. However, its splayed footprint towards the rear of the site would not accord with the general surrounding built form, and has the potential to appear as an alien feature within the streetscene from Lower Fant Road.
- 6.12 On balance, this splay, although clear on plan, would not be as obvious from the pedestrian view of the site. The narrower rear elevation is a secondary elevation and would only be read when viewing the site in the context of rear gardens from further down Lower Fant Road where the contrast would be with the 1960's houses opposite at Little Court. As such, it is considered that the existing view is not of a sufficiently high value to justify refusal of the scheme on the basis of the appearance of the secondary rear elevation, or the proposed splay.
- 6.13 Generally, and particularly from the primary street frontage, the proposal would be absorbed into the existing character, pattern and layout of the built environment. There are numerous examples along Upper Fant Road of corner properties sitting tight to the boundary of the plot. Although the proposal would reduce the space at the end of a terrace, and have an impact on the streetscene in this regard, on balance it is considered that as this space is not characteristic of the area, its loss would not be of significant detriment to visual amenity.
- 6.14 The infilling of the existing gap would also have an impact on the appearance of the streetscene of Lower Fant Road, but given the prevalent character of the area and the dense urban grain in the locality, on balance this would not be significant enough of an impact to justify refusal of the scheme.
- 6.15 Taking into account impact of the proposed splay, the narrower rear elevation and the reduction in space at the end of the terrace, and weighing this against the replicated detailing of the existing dwelling and the grain and character of the locality, on balance it is considered that the proposal would not result in significant harm to the character and appearance of the area and would appear as a congruous addition to the streetscene.
- 6.16 As such, the proposal would accord with the requirements of Local Plan policies DM1, DM11 and the NPPF.

### **Residential amenity**

- 6.17 The NPPF states that proposals should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.18 Policy DM1 of the local plan states that proposals should respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development

does not result in, or is exposed to excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.

- 6.19 Owing to the location of the dwelling, on the end of an existing terrace, in line with the front and rear building lines, and on the corner of Upper and Lower Fant Road, the proposal would not have a detrimental impact on the amenity of occupiers to either side of the application site. There would be no overshadowing of adjacent dwellings, and no increase in overlooking or loss of privacy.
- 6.20 The proposed dwelling would back onto an area of parking and a single storey garage after which the side boundary of 63 Lower Fant Road sits approx. 34m to the South. This is significant enough a gap to ensure that there would be no impact on the amenity of this neighbouring dwelling, especially when considered in the context of the rest of the terrace.
- 6.21 The flank elevation of the proposal would sit closer to the facing dwellings on Lower Fant Road – 4 and 5 Little Court. However a road sits between the buildings, and the front elevations of 4 and 5 Little Court are set back from their front boundaries by approx. 5m. As such, the proposal would not result in a loss of daylight, sunlight or privacy, and would not have an overbearing impact on these dwellings.
- 6.22 The amenity impact of the proposal would therefore be acceptable and accord with Policy DM1 of the local Plan.

### **Parking and highways**

- 6.23 Policy DM1 of the local plan states that proposals should safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access, and provide adequate vehicular and cycle parking to meet adopted council standards. Local plan policy DM23 states that, as set out in Appendix B of the Plan, car parking standards for residential development will:
- i. Take into account the type, size and mix of dwellings and the need for visitor parking; and
  - ii. Secure an efficient and attractive layout of development whilst ensuring that appropriate provision for vehicle parking is integrated within it.
- 6.24 The proposal would result in the loss of an existing garage and parking area to the side of the host dwelling. However the current dropped curb is redundant as a car doesn't fit onto that part of the driveway plus the angle to turn into the garage makes the garage impossible to use for a vehicle. The proposal shows that the redundant dropped curb on Lower Fant Road would be raised and a curb installed which would create additional space for on street parking. There is room on the existing driveway for 2 vehicles.
- 6.25 The proposal shows provision for 1 car parking space for each dwelling in the front garden. This replicates the arrangement for the other houses in the dwelling.
- 6.26 The application site is located within/on the edge of the town centre. The policy requirement for parking provision in such a location for a 4 bedroom house is 1/1.5 spaces. Given the central location of the site, and its proximity to walking and bus routes, and Maidstone West station, the provision is acceptable.

- 6.27 In response to the proposal, Kent Highways have raised no objection to the proposal and have suggested that due to the limited space at the site, submission of a construction method statement would be required through condition.
- 6.28 Given the proposed parking provision including the gain of an off street parking space, and the comments by Kent Highways, the parking provision and highway impact of the proposal would accord with policies DM1 and DM23, and the parking standards (Appendix B) within the local plan, and is therefore considered acceptable.

### **Other matters**

- 6.29 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.
- 6.30 Neighbour comments indicate that a site notice had not been put up to advertise the application. A site notice was put up on 18<sup>th</sup> July 2018 on the nearby lamppost and neighbour notification letters were sent out on 16<sup>th</sup> July to a number of local occupiers.
- 6.31 Neighbours have made comment on the use of the house as a House in Multiple Occupation. In fact, the house is proposed as a single family dwelling.
- 6.32 One neighbour has made comment about a car collision into the wall of the application site. The applicant has advised that the bump was caused by him turning a trailer within his own garden, not on the public highway.
- 6.33 Neighbour comments have been made regarding the visual impact of the proposal on views of a local wildlife area. This area is located a significant distance away from the application site, behind the houses on the opposite side of the road. The proposal would therefore not have an impact on the appearance of this area.

## **7.0 CONCLUSION**

- 7.01 In accordance with Government guidance in the NPPF and Local Plan policy, the application site represents a sustainable location with good access to facilities and services, including public transport, within the wider Maidstone urban area. The broad principle of the infill development of the site is therefore acceptable.
- 7.02 On balance, although the proposal would fail to enhance the secondary rear elevation of the terrace of dwellings, it would generally reflect existing built form in terms of both appearance and proportions, particularly from the primary streetscene view, and would be absorbed into the existing character, pattern and grain of the built environment.
- 7.03 Given the harmonious appearance of the front elevation, which would be viewed from the streetscene, in relation to the existing terrace of houses, the proposal would appear as a congruous addition to the streetscene of Upper Fant Road. The impact of the proposal upon Lower Fant Road would not be substantial enough, particularly when considered in the context of the adjacent buildings and its sympathetic detailing, to justify its refusal

- 7.04 As such, the proposal would accord with the requirements of Local Plan policies DM1, DM11 and the NPPF.
- 7.05 The amenity impact of the proposal would be acceptable and accord with Policy DM1 of the local Plan.
- 7.06 Given the sustainable location of the site, the parking provision and highway impact of the proposal would accord with policies DM1 and DM23, and the parking standards within the local plan, and is therefore considered acceptable.

### **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 be only be carried out in accordance with the following approved plans: AR.TPA.GA.201, 202, 203, 204, 205, 206A, 207A, 208A, 209

Reason: To clarify which plans have been approved.

(3) Upon completion, no further development, whether permitted by Classes A, B, C or D of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.

Reason: In the interests of the amenities of the area.

(4) The development hereby approved shall not commence above slab level until, written details and samples of the materials to be used in the construction of the external surfaces of the building and the hard landscaping 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.

(5) The development hereby approved shall not commence until a method statement for the demolition and/or construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. The method statement shall also include details of the timings of deliveries and construction works on site.

Reason: To ensure the construction of development does not result in harm to highway safety or neighbouring amenity.

(6) The approved details of the parking areas shall be completed before the commencement of the use of the dwelling hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England ) Order 2015 (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.

### **INFORMATIVES**

(1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.