

<b>REFERENCE NO -</b> 19/501025/FULL		
<b>APPLICATION PROPOSAL</b> Erection of one detached 3-bedroom house with garage and parking.		
<b>ADDRESS</b> 22 Goldstone Walk Boxley Chatham Kent ME5 9QB		
<b>RECOMMENDATION</b> - GRANT PLANNING PERMISSION subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposed new dwelling represents infill development within a predominantly residential area which forms part of Walderslade in the Maidstone urban area as defined on the Policies Map to the adopted Maidstone Borough Local Plan. The principle of infill development in sustainable urban locations such as this is considered acceptable.  The proposed two-storey detached dwelling is considered acceptable within the context of surrounding development. The separation gap between the existing and proposed dwellings will prevent any significant and unacceptable unneighbourly overbearing and enclosing impact, overshadowing and/or loss of daylight/sunlight to the neighbouring properties. There are no overriding issues of overlooking or loss of privacy to the neighbouring properties.  Conditions are recommended to be imposed on any grant of planning permission to ensure that vehicle movements to and from the site from the eastern end of Goldstone Walk do not impact unacceptably on the safety of pedestrians using the pedestrian link between Goldstone Walk and Impton Lane along the eastern boundary of the site.  Conditions are recommended to be imposed on any grant of planning permission to ensure that the existing trees within and adjacent to the site are retained and protected during the course of the development and post development.  The proposals do not raise any overriding issues of conflict with the relevant policies of the Maidstone Borough Local Plan or Government guidance in the NPPF.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Boxley Parish Council wish to see the application refused and have requested that the application is reported to committee for determination if officers are minded to approve the application.		
<b>WARD</b> Boxley	<b>PARISH/TOWN COUNCIL</b> Boxley	<b>APPLICANT</b> Ms Kamaljit Kaur Chanan <b>AGENT</b> Architecture Design Limited
<b>TARGET DECISION DATE</b> 04/07/19		<b>PUBLICITY EXPIRY DATE</b> 28/03/19

**Relevant Planning History**

15/500349/OUT	Outline application for the development of one detached 3-bedroom house with garage and parking. Approved 05.11.2015
05/0440	Erection of a two storey side extension. Approved 26.04.2005
98/0952	Use of land as an enlarged residential curtilage. Approved 17.08.1998
88/1867	Rear extension. Approved 20.04.1989

84/1649 Residential development (26 units) (Original development).  
Approved 13.12.1985

## **MAIN REPORT**

### **1. DESCRIPTION OF SITE**

- 1.01 The application site is located along the north side of Impton Lane. The site forms a large garden area to the eastern side of the detached two-storey dwelling at 22 Goldstone Walk. The application property is accessed from a secondary access road off the main part of Goldstone Walk to the north which also serves the detached two-storey dwellings with garages at Nos. 21 and 23 – 26 (consec.) Goldstone Walk.
- 1.02 The site is roughly rectangular in shape although the northern boundary follows an irregular line and has maximum dimensions of 20m in width and 18.8m in depth. The site incorporates three mature trees in the south-eastern corner close to the Impton Lane frontage.
- 1.03 The site is bounded along its northern boundary by the access drive off Goldstone Walk to the detached two-storey dwellings at 16 and 17 Goldstone Walk which front onto the access drive. The site is bounded by the footway to Impton Lane along its southern boundary and by the short pedestrian link between the eastern end of Goldstone Walk and Impton Lane to the east. The existing dwelling at 22 Goldstone Walk and its detached garage adjoin the site to the west.
- 1.04 Goldstone Walk and the immediate surroundings consists predominantly of modern two-storey detached dwellings with no regular road layout or pattern of development. The three mature trees in the south-eastern corner of the site close to the Impton Lane frontage are covered by Tree Preservation Order No. 1 of 1969 which also covers the wider area of Walderslade.
- 1.05 The application site is part of a predominantly residential area which forms part of Walderslade in the Maidstone urban area as shown on the Policies Map to the adopted Maidstone Borough Local Plan.

### **2. PROPOSAL**

- 2.01 The application proposes the development of the site with the erection of a detached two-storey 3-bedroom house with integral garage. The proposed development will be accessed from the eastern end of Goldstone Walk which currently ends with a short pedestrian link only through to Impton Lane.
- 2.02 The proposed dwelling incorporates a pitched gable ended roof and is of traditional design and construction with brick and tile hanging to the walls and a tiled roof. Main windows to the proposed dwelling face eastwards towards the access off Goldstone Walk and south towards Impton Lane. The access drive off Goldstone Walk serving the proposed dwelling, garage and a car parking space adjacent to the garage is to be block paved.
- 2.03 The submitted plans show the retention of the three existing mature trees in the south-eastern corner of the site close to the Impton Lane frontage.

### **3. POLICY AND OTHER CONSIDERATIONS**

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017: Policies SS1, DM1, DM5, DM9, DM11, DM12, DM23

#### **4. LOCAL REPRESENTATIONS**

##### **Local Residents:**

4.01 Five representations received from local residents raising the following (summarised) issues:

- Goldstone Walk is well used by vehicles and pedestrians and the pathway through to Impton Lane is used by many adults and children. The proposed access to and from the site via Goldstone Walk is dangerous as vision is impaired.
- Access to neighbouring properties could be obstructed during construction.
- Creation of the proposed access will result in the loss of parking in Goldstone Walk.
- Light and view to neighbouring properties will be blocked.
- The application site was previously public land and contained a significant number of trees. Further vegetation will now be lost.
- The plot is susceptible to flooding in times of heavy rainfall.

4.02 The matters raised by neighbours are discussed in the detailed assessment below.

#### **5. 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)

##### 5.01 Boxley Parish Council

Wish to see the application refused for the following reasons:

- Overdevelopment of the site and, if permitted, there will be an adverse and negative impact on adjacent neighbours and the street scene from Impton Lane.
- The proposed access/egress will create a significant safety issue for pedestrians/cyclists using the footpath linking Goldstone Walk to Impton Lane. The narrow and short length of footpath connects Goldstone Walk, and beyond, to the local bus stops and the pick up points for the school buses and commuter coaches. There is insufficient space for the applicant to provide any vision splay so pedestrians and cyclists will have absolutely no warning that a vehicle is about to drive across the path in front of them and the driver's own view will be similarly restricted.
- The lack of a vision splay, the proximity of the proposed access/egress to a well used footpath and the need for any driver to drive across a footpath which they cannot see down is unacceptable.
- The Tree Preservation Order on the trees on the site should not be removed.

##### Landscape Officer

5.02 No arboricultural objection to the application. Requests a pre-commencement condition requiring an Arboricultural Method Statement, including a tree protection plan, in accordance with BS5837:2012 due to the proposed access and the footprint of the hard surfacing.

##### Environmental Health Officer

5.03 No objections. Comments that construction activities may have an impact on local residents and the usual conditions/informatives should apply in this respect.

Kent Highways

- 5.04 The proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

**6. APPRAISAL**

**Main Issues**

- 6.01 The key issues for consideration relate to:
- Principle of development
  - The scale, appearance and visual impact of the development
  - Residential amenity
  - Highway safety, access and parking
  - Impact on existing trees

**Principle of development**

- 6.02 Government guidance in the National Planning Policy Framework (NPPF) and policies SS1, SP1 and DM9 of the adopted Maidstone Borough Local Plan are generally supportive of new housing in sustainable urban locations such as the application site as an alternative to residential development in more remote countryside locations.
- 6.03 Policy SS1 of the adopted Maidstone Borough Local Plan states that the Maidstone urban area will be the principal focus for development with the secondary focus being rural service centres. The policy also allows for some development within some larger villages.
- 6.04 Policy DM9 of the adopted Maidstone Borough Local Plan states that within the defined boundaries of the urban area, rural service centres and larger villages, proposals for the extension, conversion or redevelopment of a residential property will be permitted if the following criteria (development to fit unobtrusively with the existing building, the character of the street and/or its context; traditional boundary treatment retained; amenity of neighbouring residents safeguarded; sufficient parking provided) are met.
- 6.05 Policy DM11 of the adopted Maidstone Borough Local Plan permits the development of domestic garden land within the defined boundaries of the urban area, rural service centres and larger villages where the following criteria (no significant harm to the character and appearance of the area; no significant loss of amenity to neighbours; appropriate access to the highway provided; no significant increase in noise of disturbance from traffic gaining access) are met.
- 6.06 The site is within a predominantly residential area which forms part of Walderslade in the Maidstone urban area as shown on the Policies Map to the adopted Local Plan. The site is considered to represent a sustainable location with good access to facilities and services, including public transport, within the wider urban area. The principle of infill residential development in sustainable urban locations such as this is considered acceptable.
- 6.07 The principle of an infill dwelling on this domestic garden land has been accepted previously under outline application ref. 15/500349/OUT.

**Scale, appearance and visual impact**

- 6.08 Government guidance in the NPPF (para. 124) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The NPPF further states

(para. 128) that design quality should be considered throughout the evolution and assessment of individual proposals and (para. 130) that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

6.09 Policy DM1 of the adopted Maidstone Borough Local Plan states that proposals which would create high quality design and meet a number of criteria (14 in total) will be permitted. Amongst the criteria to be met are that proposals create a high quality design and:

- Respond positively to, and where possible enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage – incorporating a high quality, modern design approach and making use of vernacular materials where appropriate;
- Provide a high quality design which responds to areas of heritage, townscape and landscape value or uplifts an area of poor environmental quality.

6.10 One of the four criteria to be met in policy DM9 of the adopted Maidstone Borough Local Plan relating to proposals for the extension or redevelopment of a residential property within the defined boundaries of the urban area is that:

- The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building and the character of the street scene and/or its context.

6.11 One of the four criteria to be met in policy DM11 of the adopted Maidstone Borough Local Plan relating to the development of domestic garden land to create new buildings is that:

- The higher density resulting from the development would not result in significant harm to the character and appearance of the area.

6.12 The existing dwelling at 22 Goldstone Walk is a detached two-storey dwelling with a pitched gable ended roof and the application site lies immediately to the east of the existing dwelling. The immediate surroundings consist predominantly of similar two-storey detached dwellings with no regular pattern of road layout or buildings. The application proposes the erection of a detached two-storey 3-bedroom dwelling with a pitched gable ended roof and the proposed dwelling reflects the scale, traditional design and building footprint of the neighbouring dwellings in Goldstone Walk. The garden area to the proposed dwelling compares favourably in size with those of other properties in Goldstone Walk and the proposed dwelling can be accommodated on the site with a similar set back from the Impton Lane frontage as the neighbouring dwellings in Goldstone Walk to the east and west.

6.13 In the context of the neighbouring development in Goldstone Walk it is not considered that the proposed detached two-storey dwelling would appear as visually incongruous or intrusive in the locality or would be harmful to the visual amenities and character of the area. The application is not considered to conflict with the above Government guidance and adopted Local Plan policies relating to the design, scale and appearance of development.

### **Residential amenity**

6.14 The site is bounded along its northern boundary by the access drive off the eastern end of Goldstone Walk to the detached two-storey dwellings at 16 and 17 Goldstone Walk which front onto the access drive. The site is bounded by the footway to Impton Lane along its southern boundary and by the short pedestrian link between the eastern end of Goldstone Walk and Impton Lane to the east. On the opposite

(eastern) side of the short pedestrian link is the neighbouring dwelling at 15 Goldstone Walk. The existing dwelling at 22 Goldstone Walk and its detached garage adjoin the site to the west.

- 6.15 With regards to the potential impact of the proposed development on the neighbouring dwellings which lie to the north of the site at 16 and 17 Goldstone Walk, the submitted plans show the closest part of the proposed dwelling to be 2m-3.2m in from the northern boundary of the site common with the access drive to the two dwellings at 16 and 17 Goldstone Walk which front onto the access drive.
- 6.16 The northern side wall of the proposed dwelling is 9m and 11.4m from the closest part of the front elevation walls of the neighbouring dwellings at 16 and 17 Goldstone Walk respectively. The neighbouring dwellings at 16 and 17 Goldstone Walk are at a slightly lower level in relation to the application site due to a slight fall in ground levels. Whilst the proposed dwelling will clearly impact in the southerly outlook to the front of those two neighbouring dwellings, it is considered that the separation gap between the existing and proposed dwellings will prevent any unacceptable unneighbourly overbearing and enclosing impact, overshadowing and/or loss of daylight/sunlight to the neighbouring properties.
- 6.17 With regards to potential impact of the proposed development on the closest neighbouring property to the east of the site at 15 Goldstone Walk, a separation gap of some 24m will remain between the proposed dwelling and that existing dwelling. The separation gap will prevent any unacceptable unneighbourly impact on that neighbouring property.
- 6.18 The proposed dwelling will abut the retained part of the side garden area to the existing dwelling at 22 Goldstone Walk and will be separated from the eastern side elevation wall to the existing dwelling by a distance of 9.6m. Whilst there will be some enclosing impact along part of the side garden area to the existing dwelling at 22 Goldstone Walk, it is not considered that there will be any unacceptable unneighbourly overbearing impact on that neighbouring property. No side wall windows to the neighbouring property at 22 Goldstone Walk are affected by the proposals and overall it is not considered that the proposed development will have any unacceptable unneighbourly impact on the amenities of the occupiers of that dwelling.
- 6.19 The main first floor windows to proposed dwelling face south towards Impton Lane and east towards the site access. The proposed development is not considered to raise any overriding issues regarding overlooking and loss of privacy to the neighbouring properties.
- 6.20 The proposed dwelling is accessed from a new accessway to be formed off the eastern end of Goldstone Walk. The proposed new accessway runs adjacent to the existing accessway serving the neighbouring dwellings at 16 and 17 Goldstone Walk to the north of the site and those neighbouring dwellings front onto the existing accessway. Given the modest scale of the development proposed (a single 3-bedroom dwelling), the pedestrian and vehicle movements to and from the site generated by the proposed development are not likely to have a significant impact on the neighbouring properties in terms of noise and general activity.
- 6.21 It is considered that the proposed development will provide an acceptable living environment and standard of amenity for prospective occupiers of the new dwelling in terms of internal and external living conditions, including outlook, privacy and access to garden amenity space.

### **Highway safety, access and parking**

- 6.22 The proposed dwelling is accessed from a new accessway to be formed off the eastern end of Goldstone Walk. The proposed new accessway runs adjacent to the existing accessway serving the neighbouring dwellings at 16 and 17 Goldstone Walk to the north of the site.
- 6.23 The eastern end of Goldstone Walk is not a through road and the road ends with a short pedestrian link through to Impton Lane. Whilst vehicle movements to and from the site of the proposed new dwelling via the new access will have minimal impact on vehicle movements along Goldstone Walk, they could impact on pedestrian movements along the short pedestrian link between the eastern end of Goldstone Walk and Impton Lane. The representations on the current application from local residents have raised the issue of the safety of pedestrians using the short pedestrian link.
- 6.24 Whilst no overriding pedestrian and highway safety issues are raised in principle regarding the proposed new access to serve the development, in light of the concerns raised by local residents, it is considered that a condition be imposed on any planning permission granted to secure the submission of full details of the new access for approval, including visibility for emerging vehicles and pedestrian visibility splays. Subject to the submission and approval of full details of the new access, it is not considered that the proposed development raises any overriding access and/or highway safety issues.
- 6.25 With regards to parking, the proposed development incorporates an integral garage to the new dwelling, a parking space to the side of the garage, and further parking within the proposed hardsurfaced area of the new accessway. Space for cars to manoeuvre/turn is available within the proposed hardsurfaced area of the new accessway. The parking arrangements for the existing dwelling at 22 Goldstone Walk are not affected by the proposed development.

### **Trees**

- 6.26 The site contains three mature trees in the south-eastern corner close to the Impton Lane frontage. The trees are covered by Tree Preservation Order No. 1 of 1969 which also covers the wider area of Walderslade.
- 6.27 The existing trees are not directly affected by the proposed new dwelling. The submitted site layout plan shows the proposed dwelling to be sited 5.4m, 6.2m and 7m from the trees respectively. New hardsurfacing outside the site to form the proposed new access to Goldstone Walk is likely to impact on part of the root protection area of an existing tree outside the site adjacent to the pedestrian link between the eastern end of Goldstone Walk and Impton Lane.
- 6.28 The Landscape Officer raises no arboricultural objection to the application. The Landscape Officer requests a pre-commencement condition requiring an Arboricultural Method Statement, including a tree protection plan in accordance with BS5837:2012, to be submitted for consideration and approval due to the proposed access and the footprint of the hard surfacing.
- 6.29 The Arboricultural Method Statement will ensure that the existing trees within and adjacent to the site are retained and protected during the course of the development and post development.

## **Other Matters**

- 6.30 The development proposed in the current application reflects that approved previously in outline under application ref. 15/500349/OUT in terms of the siting of the proposed building and the building footprint.
- 6.31 The previous outline proposals proposed access from the west via the access serving the existing garage to the existing dwelling at 22 Goldstone Walk. The existing garage was to be removed to allow access through to the current application site from the west. The previously granted outline planning permission has now lapsed.
- 6.32 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.

## **7. CONCLUSION**

- 7.01 The site is within a predominantly residential area which forms part of the Walderslade within the Maidstone urban area as shown on the Policies Map to the adopted Local Plan. The site represents a sustainable location with good access to facilities and services, including public transport, within the wider urban area. The principle of infill residential development in sustainable urban locations such as this is considered acceptable. The principle of an infill dwelling on this domestic garden land has been accepted previously under outline application ref. 15/500349/OUT.
- 7.02 The proposed detached two-storey dwelling reflects the scale, traditional design and building footprint of the neighbouring dwellings in Goldstone Walk. The garden area to the proposed dwelling compares favourably in size with those of other properties in Goldstone Walk and the proposed dwelling can be accommodated on the site with a similar set back from the Impton Lane frontage as the neighbouring dwellings in Goldstone Walk to the east and west. In the context of the neighbouring development in Goldstone Walk, the proposed dwelling would not appear as visually incongruous or intrusive in the locality or be harmful to the visual amenities and character of the area.
- 7.03 Whilst the proposed dwelling will impact in the southerly outlook to the front of the two neighbouring dwellings to the north of the site (Nos. 16 and 17 Goldstone Walk), the separation gap between the existing and proposed dwellings will prevent any unacceptable unneighbourly overbearing and enclosing impact, overshadowing and/or loss of daylight/sunlight to the neighbouring properties.
- 7.04 In the interests of the safety of pedestrians using the footpath link between the eastern end of Goldstone Walk and Impton Lane, a condition is recommended to be imposed on any planning permission granted to secure the submission of full details of the new access to be formed to the eastern end of Goldstone Walk to serve the proposed development, including visibility for emerging vehicles and pedestrian visibility splays. Subject to the submission and approval of full details of the new access, the proposed development does not raise any overriding access and/or highway safety issues.
- 7.05 The Landscape Officer raises no arboricultural objection to the application and requests a condition requiring an Arboricultural Method Statement, including a tree protection plan in accordance with BS5837:2012, to be submitted for consideration and approval due to the proposed access and the footprint of the hard surfacing. The Arboricultural Method Statement will ensure that the existing trees within and



adjacent to the site are retained and protected during the course of the development and post development.

- 7.06 The grant of planning permission is recommended subject to the conditions set out below.

## **8. 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 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 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) No development shall take place above the slab level of the building hereby permitted until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping for the site, including details of all hard surfacing and boundary treatments, using indigenous species and a programme for the approved scheme's implementation and long term management. The scheme shall include indications of all existing trees and hedgerows on the land and adjacent to the site boundaries and details of any to be retained, together with measures for their protection during the course of development. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The development shall be carried out in accordance with the approved scheme of hard and soft landscaping and boundary treatments;

Reason: In the interests of visual amenity and to ensure a satisfactory setting and external appearance to the development is provided and maintained.

- 4) All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling 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: In the interests of visual amenity and to ensure a satisfactory setting and external appearance to the development is provided and maintained.

- 5) No development shall take place until such time as a Tree Protection Plan/Arboricultural Method Statement in accordance with BS5837:2012 detailing how the three trees in the south-eastern corner of the site and the trees outside the eastern boundary of the site adjacent to the approved new access into the site, as shown on drawing nos. 48.1/A.01 and 48.1/02, are to be protected during the course of the works and how any excavation, construction and surfacing works are

to be carried out and any underground service runs to and from and within the site accommodated without causing damage to the root systems of the trees, has been submitted to and approved in writing by the Local Planning Authority. The approved tree protection measures shall be put in place prior to the commencement of any works on the site and shall be retained in place throughout the construction phase of the development. The works shall be carried out in accordance with the details approved;

Reason: The existing trees make a significant contribution to the character and visual amenities of the locality and warrant adequate protection during the development to prevent damage and ensure their long-term retention and good health.

- 6) No development shall take place above the slab level of the building hereby permitted until such time as full details of the new access to be formed onto the eastern end of Goldstone Walk, as shown on drawing no. 48.1/A.02, including details of proposals to maximise visibility for vehicles emerging from the site and the provision of pedestrian visibility splays to the access, have been submitted to and approved in writing by the Local Planning Authority. The new access shall be completed in accordance with the details approved prior to the first occupation of the dwelling and shall be retained and maintained as such thereafter;

Reason: To ensure the details are satisfactory in the interests of pedestrian and highway safety.

- 7) The areas shown on the approved plans (Drawing nos. 48.1/A.02 and 48.1/A.03b) for the parking of cars and vehicle manoeuvring to and from the parking areas shall be provided in accordance with the details approved and be available for use before the first occupation of the new 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 (as amended) (or any order revoking and/or re-enacting that Order, with or without modification) or not, shall be carried out on the parking and vehicle manoeuvring areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking and/or vehicle manoeuvring provision is likely to lead to parking inconvenient to other road users and in the interests of pedestrian and highway safety.

- 8) Prior to the first occupation of the new dwelling hereby permitted, an accessible electric vehicle rapid charging point shall be installed within the site of the new dwelling in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The electric vehicle rapid charging point shall be retained and maintained within the site thereafter;

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 110 of the NPPF.

- 9) Upon completion, no further development, whether permitted by Classes A, B, E or F of Part 1 and/or Class A of Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order with or without modification) or not, shall be carried out to or within the curtilage of the new dwelling hereby permitted without the prior written consent of the Local Planning Authority;

Reason: In the interests of the visual amenities of the area and the amenities of the occupiers of neighbouring properties.

- 10) The development hereby permitted shall be carried out in accordance with the approved plans (Drawing nos. 48.1/A.02, 48.1/A.03b and 48.1/A.04);

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

- 11) The first floor windows to the study and bathroom in the west facing elevation of the new dwelling hereby permitted, as shown on the approved plan (Drawing No. 48.1/A.03b), shall be glazed in obscure glass and the windows shall be non-openable to a minimum height of 1.7m above the internal finished floor level of the rooms they serve. The first floor windows to the study and bathroom shall be maintained and retained as such at all times;

Reason: In order to prevent overlooking and loss of privacy to the neighbouring property.

### **INFORMATIVES**

- 1) The applicant is advised that broad compliance with the Mid Kent Environmental Code of Development Practice is expected in the demolition and/or construction works.
- 2) The grant of planning permission does not convey any approval for the construction of the required access to the highway outside the site 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.
- 3) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at:

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- 4) 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.

Case Officer: Jon Barnes