

REPORT SUMMARY

REFERENCE NO - 16/507443/FULL		
APPLICATION PROPOSAL Erection of 1no. four bedroom chalet bungalow with integral garage and associated parking.		
ADDRESS 15 Amsbury Road Coxheath Kent ME17 4DW		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is considered to comply with the policies of the adopted Maidstone Borough-Wide Local Plan 2000, the Submission Version of the Maidstone Borough Local Plan, and the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE - Councillor Webb has called the application to planning committee. - Coxheath Parish Council wish to see the application refused.		
WARD Coxheath And Hunton	PARISH COUNCIL Coxheath	APPLICANT Mrs S Godsmark AGENT E P Architects Ltd
DECISION DUE DATE	PUBLICITY EXPIRY DATE 28/12/16	OFFICER SITE VISIT DATE 05/12/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

None relevant.

MAIN REPORT

1.0 Site description

1.01 15 Amsbury Road is a detached bungalow set back some 60m from the road, and is accessed by a long drive that is also used by 17 Amsbury Road which is another bungalow. This access is on the southern side of the road and runs in between 13 and 19 Amsbury Road. The proposal site is the garden land to the east of 15 Amsbury Road. The surrounding area is very much residential in character and predominantly made up by detached and semi-detached bungalows and 2-storey houses, although to the south of the site is countryside and sporadic residential development. The nearest public footpath (KM134) to the south of the proposal site would be more than 180m away. For the purposes of the adopted Local Plan the proposal site is within the defined village boundary of Coxheath.

2.0 Proposal

2.01 The proposal is for the erection of a detached, chalet-style bungalow with 4 bedrooms and an integral garage. Sited to the east of 15 Amsbury Road, the front elevation would face northwards; parking would be found to the front; and the existing vehicle access from Amsbury Road would be used, with a new driveway running along the northern edge of the site.

2.02 In terms of appearance, the property would have a number of hipped dormer windows; the roof would have barn-hipped elements; the front projecting feature would be set lower than the main roof line; and the building would be of yellow facing brick and fibre cement roof tiles. The main ridge line would stand some 7.2m in height.

3.0 Policies and other considerations

- Maidstone Borough-Wide Local Plan 2000: ENV6, H27, T13
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Submitted version of Maidstone Local Plan: SP13, DM1, DM10, DM27

4.0 Consultee responses

- 4.01 **Councillor Webb:** Wishes to refer to planning committee for discussion for residents to express their views;

“All comments refer to the narrowness of the access to the site and sight-lines for coming out onto Amsbury Road. As this is caused by trees in a neighbours property the applicant has no means of remedying this problem, but also due to the legal parking of cars on the public highway at this point any vehicle turning into the driveway is severely hampered.

Also, perhaps more importantly, the question of rights of way along this driveway seem to be unaddressed as the applicant does not actually own the driveway and the person who does own it, is one of the neighbours who has written an objection!

Other problems mentioned to me have been with regard to the development itself, as a 4 bed chalet bungalow is seen by some as too large a building to be built in the back garden of a smaller bungalow and with views into the rear gardens of others causing a loss of privacy, as well as the loss and overcrowding of a garden site.”

- 4.02 **Coxheath Parish Council:** Wish to see the application refused and reported to planning committee:

“1. A four bedroom chalet bungalow in what is essentially a back garden is considered to be out of character with the area and a gross overdevelopment of the site.

2. The driveway to the proposed property is very narrow and would provide limited access to the site and could be a nuisance to the neighbouring property.

3. Our understanding is that the proposed access would have to cross land owned by the neighbouring property (No 17 Amsbury Road).

4. The neighbouring hedge at No 13 Amsbury Road restricts the sight lines for exiting the site.

5. The design drawings indicate that most of the bedrooms on the first floor would be adversely affected by the angle of the sloping roof.”

- 4.03 **KCC Highways:** Raise no objection.
- 4.04 **Environmental Health Officer:** Raises no objection.
- 4.05 **Building Control:** Raises no objection.

- 5.0 Neighbour responses:** 21 representations have been made raising concerns over:

Loss of outlook/privacy; loss of light; disturbance caused by construction traffic; potential property damage caused by construction vehicles and vibrations; air pollution; noise pollution; impact of additional vehicles on sewers running underneath existing vehicle access; general disturbance to neighbours from additional vehicle movements; poor design and out of character with area; parking provision; highway safety and constrained driveway; refuse bin collection; private covenant preventing access into site; impact upon trees; ecology; loss of property value; and site is on Green Belt land and in an Area of Archaeological Potential.

6.0 Principle of development

- 6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 6.02 Saved policy H27 of the adopted Local Plan allows for minor residential development within the boundary of Coxheath village; and central Government guidance within the

National Planning Policy Framework (NPPF) does encourage new housing in sustainable locations as an alternative to residential development in more remote countryside situations. The proposal site is within the defined village boundary of Coxheath and I have no argument against the site being in a sustainable location.

6.03 This said, paragraph 53 of the NPPF does state;

“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.”

6.04 The NPPF also seeks development to contribute, protect and enhance the built environment and paragraph 64 of the NPPF states;

“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.”

6.05 The submitted version of the Development plan went to the Secretary of State for examination on the 20th May 2016 and is currently under examination with the closing session expected at the end of January 2017. The emerging Plan is considered to hold significant weight, with emerging policy SP13 allowing for minor development; emerging policy DM1 seeking good design; emerging policy DM10 seeking appropriate development of garden land within larger villages; and emerging policy DM27 setting out parking standards.

6.06 There is policy support for this type of development in this location, subject to its details which the report will go on to assess.

7.0 Visual impact and design

7.01 The proposed dwelling would be a detached, chalet-style property that would sit in line with 15 and 17 Amsbury Road. The two bungalows the property would sit alongside are of differing scale and design; and the wider area is also characteristic of residential properties of differing scale and design. So whilst different in appearance to the adjoining properties, this is not considered to be objectionable given the mixed streetscene and its set back from the road; and I am satisfied that its compact design, siting and low eaves height would ensure that it would not appear as a cramped development. I am therefore satisfied that the proposal would not appear incongruous in terms of the pattern and character of development in the area hereabouts.

7.02 The proposal would be set back from Amsbury Road by more than 55m, behind the existing built frontage; the site is some 120m to the west of from Westerhill Road; and is more than 180m to the north of a public footpath. Whilst there may be glimpses of the proposal from these public vantage points, given the separation distances and the existing built and natural environment, I am satisfied that this proposal (with its low eaves height) would not appear visually dominant or harmful from any public vantage point.

7.03 The agent has also confirmed that the southern boundary hedge and the large fruit tree within the site will be retained, which is acceptable to the Landscape Officer; and a suitable landscaping scheme condition will be imposed to ensure this. Further native landscaping will also be requested, to soften the development along the western boundary of the site; and the use of appropriate materials will be secured by way of condition.

7.04 I therefore consider the scale, design and siting of the proposal to be appropriate in this setting, and I am satisfied that it would not cause adverse harm the character and appearance of the surrounding area hereabouts and would not be inappropriate garden land development.

8.0 Residential amenity

8.01 The first floor bedroom window facing 15 Amsbury Road is a second window to the master bedroom. This window would overlook part of the garden area of the existing property as well as facing this neighbour's eastern flank where there are openings serving 2 bedrooms (one at ground floor). In my view, boundary fencing would not ensure acceptable levels of privacy and so this window will be conditioned to be obscure glazed and fixed shut (except for fanlight). The first floor ensuite window that faces westwards will also be conditioned to be obscure glazed and fixed shut.

8.02 The first floor windows facing southwards would not result in a significant loss of privacy; I also raise no objection in terms of the rooflights shown, given their location within the roof slope; and appropriate boundary treatments would ensure adequate privacy at ground floor level without causing a significant loss of light.

8.03 There is a first floor bedroom window that faces northwards towards the properties on Amsbury Road. However, the separation distances from this window to the neighbours would be more than 30m, which I consider acceptable in maintaining acceptable levels of privacy.

8.04 Given the separation distances between the new house and any neighbouring property and given the proposal's scale and siting, I am satisfied that the proposal would not result in a significant loss of light or outlook to any neighbour, and it would not appear overbearing for any neighbour when enjoying their garden. I am also satisfied that a new dwelling here with its associated comings and goings and use of the access would not result in an unacceptable increase in noise and disturbance to existing properties when compared to the current situation; and the Environmental Health Officer has also raised no objection in this respect.

9.0 Highway safety implications

9.01 The proposed dwelling would use the existing access onto Amsbury Road and would benefit from 3 off-road parking spaces and an integral garage. I am satisfied that the property would have adequate parking and turning facilities and the parking provision is in accordance with emerging policy DM27 of the submitted Local Plan.

9.02 The access is narrow and 2 cars cannot pass along it, which could result in vehicles having to reverse back onto Amsbury Road. However, this is the current situation with 2 properties using the access; the crash records show that there have been no injury crashes on Amsbury Road between Westerhill Road and Pippin Close for at least the last 10 years; and after consultation with the Highways Authority, the additional vehicle movements of an additional house using this access are not considered to be so significant in that the current situation would be so exacerbated to warrant refusal. The Highways Authority have confirmed that with the evidence presented, a development of this scale would not result in a highway safety issue and no objections are raised.

10.0 Other considerations

- 10.01 The Environmental Health Officer raises no objection in terms of air quality, noise and land contamination and so I consider it unreasonable to request any further details in these respects. Disposal of foul sewage is unknown and surface water will be disposed of via soakaway. Building Control confirm that the use of a soakaway here is acceptable; and further details for foul sewage disposal will be requested by way of condition to ensure adequate drainage is provided for the development. Building Control is also satisfied that the property could install a suitable sprinkler system to overcome access issues for fire trucks.
- 10.02 The proposal site is maintained garden land and it is not considered reasonable to request any further ecological information. However, in accordance with the NPPF and in the interests of biodiversity enhancement, details of appropriate landscaping and ecological enhancements will be requested by way of condition.
- 10.03 As with 15 and 17 Amsbury Road, future occupants of the property will walk refuse bins down to Amsbury Road for collection; and the Council's Waste Management Team and KCC Highways confirm there is no objection to this approach.
- 10.04 The objections raised by Councillor Webb, Coxheath Parish Council and the neighbours have been addressed in the main body of this report. However, I would add that I am satisfied that the correct ownership notices have been served on the relevant parties; and the potential disturbance or damage caused by construction traffic and vibrations; and potential impact on sewers running underneath existing vehicle access; and private covenants and rights of way; and loss of property values, are not material planning considerations in the determination of this application. I can also confirm that the proposal site is not on Green Belt land or within an Area of Archaeological Potential.

11.0 Conclusion

- 11.01 The proposal would not cause visual harm; the living conditions of existing and future residents will be acceptable; and there is no objection in terms of highway safety. The proposal is therefore considered acceptable with regard to the relevant provisions of the adopted and emerging Development Plans, the NPPF and all other material considerations such as are relevant; and conditional approval is recommended on this basis.

12.0 RECOMMENDATION – APPROVE with 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) Prior to commencement of works/development above damp-proof course (DPC) level, written details and samples of the materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To ensure a satisfactory appearance to the development.

- (3) Prior to commencement of works/development above DPC level, written details of the provision of swift and/or bat/bird boxes within the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to the first occupation of the property and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: In the interests of biodiversity enhancement.

- (4) Prior to commencement of works/development above DPC level, written details of a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority, using indigenous species, which shall include tree and hedge protection details and long term management plan. The scheme shall be designed using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines and shall include:

- a) Retention of tree within site as shown on drawing 1735.P.02 Rev A;
- b) Retention of southern boundary hedge;
- c) Details of native hedge planting along full length of western boundary of site.

Reason: To ensure a satisfactory setting and external appearance to the development and in the interests of biodiversity.

- (5) 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 buildings 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 external appearance to the development.

- (6) Before the development hereby permitted is first occupied, all first floor side windows facing westwards shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

- (7) Prior to commencement of works/development above DPC level, written details of the foul drainage system to serve the development shall be submitted to and agreed in writing by, the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved plans prior to the first occupation of the development hereby permitted;

Reason: to ensure that adequate drainage is provided for the development.

- (8) 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) (Amendment) (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.

- (9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension to the property 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.

- (10) The development hereby permitted shall be carried out in accordance with the following approved plans: 1735.P.01 received 18/10/16 and 1735.P.02 Rev A received 14/12/16;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

INFORMATIVES

- (1) 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.

Case Officer: Kathryn Altieri

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.