

REPORT SUMMARY

REFERENCE NO - 17/502118/FULL		
APPLICATION PROPOSAL Erection of dwellinghouse and engineering operations to create off road parking.		
ADDRESS Mount Lodge Church Lane Bearsted Maidstone Kent ME14 4EF		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION The details are considered to comply with the policies of the Development Plan, where relevant, 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 - Bearsted Parish Council wish to see application refused and reported to Planning Committee		
WARD Bearsted	PARISH COUNCIL Bearsted	APPLICANT Mrs Diana Bishop
DECISION DUE DATE 23/06/17	PUBLICITY EXPIRY DATE 26/05/17	OFFICER SITE VISIT DATE 17/05/17
RELEVANT PLANNING HISTORY:		

- 16/502127 – Single storey side extension - Approved
- MA/14/0094 - Erection of house and engineering operations to create off road parking (replacement of expired consent MA/10/0854) - Approved
- MA/10/0854 – Erection of house and engineering operations to create off road car parking – Approved

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 'Mount Lodge' is a detached property that fronts onto Church Lane, with its existing garage sitting at a lower level to the main house. The surrounding area is predominantly residential in character, with properties of differing scale, design and age; and for the purposes of the Local Plan, the site is within the defined urban area. To the immediate northeast and northwest is housing that has been approved and constructed within the last 10 years.

2.0 PROPOSAL

- 2.01 The proposal is for the erection of a detached (4-bed) house, to be sited on the north-eastern side of 'Mount Lodge', and for a pitch roof to the garage and additional parking area for 'Mount Lodge'.
- 2.02 The same proposal was originally approved under MA/10/0854 (on 10th December 2010) and then renewed under MA/14/0094 (on 14th April 2014). The approval granted under MA/14/0094 expired in April this year.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, T13
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Draft Maidstone Local Plan (2011-2031): SP1, DM1, DM10, DM27

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 3 representations received from local residents raising the following issues:

- Loss of light/overshadowing
- Loss of privacy
- Visual impact
- Surface water drainage
- Out of date plans submitted/incorrect details submitted
- Highway safety/parking provision

5.0 **CONSULTATIONS**

5.01 **Councillor Springett:** Raises objection and comments are summarised as follows;

“Proposed dwelling will be over-dominant to adjacent property at 1 Little Orchard.

It will cause loss of light to 2 principle rooms at 1 Little Orchard that have windows looking towards the proposed building; and will cause loss of privacy to their private patio area.

Design of proposal is very poor when compared to the existing street scene and will create a cramped form of development which is out of character with the rest of the lane, which lies between two Conservation areas.

It will also introduce row of parked vehicles which is not seen elsewhere in Church Lane.

Vehicles will need to manoeuvre on blind bend in order to park on proposed parking area.

Potential loss of privacy to rear gardens of 3 properties in Nethermount to north of site

Whilst I appreciate that permission was previously granted in 2010, and renewed in 2014, there are changes that need to be taken into consideration. In 2010, there was a significant distance between the proposed dwelling and the next nearest property to the north east. Whilst I appreciate that 1 Little Orchard had been constructed by the time permission was renewed in 2014, there was an error in the officer report that failed to acknowledge the close proximity of 1 Little Orchard, and it is not clear if a site visit was undertaken at the time of renewal. Therefore, that decision could have been made on incorrect information and should be disregarded when making your decision.

Loss of some of terraced garden to Mount Lodge is disappointing and in conjunction with proposed 4 parking spaces, introduces more urban appearance to otherwise semi-rural lane in a sensitive location.

Development will contravene parts i), ii) and iii) of emerging Policy DM10 as part of site is residential garden land. As Maidstone Borough now has well in excess of a five year land supply, the harm caused by this development will not outweigh the benefit.”

5.02 **Bearsted Parish Council:** Wishes to see the application refused and requests Planning Committee consideration;

“The Planning Committee wish to raise objection for the following reasons:

1. *Restriction of light to neighbouring houses;*
2. *Overlooking windows to adjacent property and gardens;*
3. *The building style is oppressive with an overbearing design;*
4. *Access to building is on dangerous corner with little visibility. Sight lines for parking at Mount Lodge are dangerous as parking will be cut into a bank and therefore drivers will not be able to see when exiting parking area for new property.*

Committee wish to point out that the ordinance survey map supplied with application is considerably out of date and therefore disingenuous as it does not show current density of surrounding houses.”

5.03 **Environmental Protection Team:** Raise no objection.

5.04 **KCC Highways:** Raise no objection.

6.0 **APPRAISAL**

6.01 The proposal is the same scheme as approved under MA/10/0854 and MA/14/0094, with the latter application only expiring in April this year.

6.02 The neighbouring development of 'Little Orchard' was first approved in August 2009, under MA/09/0760, before the new house was approved at 'Mount Lodge'; and the impact upon the amenity of the future (now existing) residents of this cul-de-sac development were fully considered under MA/10/0854 and MA/14/0094 and this relationship was not 'overlooked' as has been suggested. Under both previous applications, no objection was raised in terms of the impact upon neighbouring residential amenity. I concur with those assessments in that the side windows on '1 Little Orchard' are small secondary windows on the ground floor and serve bathrooms on the first floor, and so any impact here would not be objectionable. Nor would the new dwelling overlook the garden/patio area immediately to the rear of this property as its rear building line/windows would be parallel. Being parallel, there would not be any unacceptable overbearing or overshadowing impact. The new dwelling would also be a sufficient distance from '9 Nethermount' to the northwest so as not to overlook (approximately 14m from the boundary).

6.03 No objection was raised to the development in terms of its visual impact and in terms of highway safety under both MA/10/0854 and MA/14/0094. Again, it is considered that the proposals are still visually acceptable and that the density is in keeping with the more recent developments to the northwest and northeast. KCC Highways raise no objections.

6.04 Under the last renewal (MA/14/0094), the proposal was considered against the NPPF and saved policies ENV6 and T13 of the 2000 Local Plan. This remains as relevant policy/guidance and the emerging policies of the submitted version of the Local Plan do not significantly change the approach of recommending approval of this proposal. Policy DM10 allows for the development of garden land subject to there being no visual harm; no harm to amenity; and suitable access. For the above reasons, the proposals comply with this policy.

6.05 The local planning authority has twice previously approved the same scheme, with the most recent permission expiring only in April 2017; and there are considered to be no new material planning issues that would warrant refusal.

Other Matters

6.06 The Environmental Protection Team raises no objection in terms of noise, air quality and land contamination, and so no objection is raised in these respects. Given the relatively modest scale and location of the proposal and the previous planning history, no objection is raised in terms of flood risk and surface water drainage.

6.07 There are some inconsistencies within the submitted details of this application, however, the applicant has clarified that the windows would be timber and there would be a slope up the new house (not steps as shown on the plan). Whilst the site location plan is not up to date, I have visited the site, have used up to date maps, and have therefore assessed the application with regard to the current situation on the ground. The Code for Sustainable Homes is no longer relevant within planning considerations

and the previous condition for this will be removed and replaced with a request for renewable energies to be incorporated into the scheme.

7.0 CONCLUSION

7.01 It is considered that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. I therefore recommend approval of the application on this basis.

8.0 RECOMMENDATION - GRANT planning permission subject to 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 not commence until written details and samples of the materials to be used in the construction of the external surfaces of the building, including those of the roof, elevations, hard surfaces and retaining walls, hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

(3) The approved details of the parking 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 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 is likely to lead to parking inconvenient to other road users and in the interests of road safety.

(4) The development hereby approved shall not commence above slab level 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.

(5) 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 which shall include a long term management plan. The scheme shall be designed using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines;

Reason: To ensure a satisfactory appearance to the development.

- (6) 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 appearance to the development.

- (7) Prior to commencement of works/development above DPC level, written details of the provision of swift and/or bat/bird bricks/boxes within the building 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.

- (8) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter;

Reason: To ensure an energy efficient form of development. Details are required prior to commencements as these methods may impact or influence the overall appearance of development.

- (9) 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 sooner, and any trees or plants which within a period of five years from the implementation 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 authority gives written consent to any variation.

Reason: In order to ensure a satisfactory appearance to the development.

- (10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extensions shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the surrounding area and in the interests of residential amenity.

- (11) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing number 2144 and unnumbered proposed elevations and floor plans received 20th April 2017;

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

Planning Committee Report
27th July 2017

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