

2.8 REFERENCE NO - 16/506036/FULL			
APPLICATION PROPOSAL Change of use of land into residential garden (curtilage) and creation of rear garden by erection of 1.8m fence, leaving 2m strip between fence and pathway. Area to front left open and creation of parking spaces. Removal of large conifer hedge.			
ADDRESS 7 Giraud Drive Faversham Kent ME13 7QT			
RECOMMENDATION Grant subject to conditions			
REASON FOR REFERRAL TO COMMITTEE Town Council Objection			
WARD Davington Priory	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mr DAVID MARNES AGENT	
DECISION DUE DATE 13/10/16	PUBLICITY EXPIRY DATE 16/09/16		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): Please also see applications 14/501632/FULL & 15/509013/FULL			
App No	Proposal	Decision	Date
14/502472/FULL	Front Porch	Approved	13.02.2015

1.0 DESCRIPTION OF SITE

1.01 The property is a 1960s detached house, situated on a pleasant estate of such properties to the north of Bysing Wood Road. It is situated on the corner of Giraud Drive and Sherwood Close, and is within the built-up area boundary of Faversham. There is an 8.5 metre wide grass strip to the side of the property, on which are situated two small trees.

2.0 PROPOSAL

2.01 The proposal is to incorporate the majority of this strip of land into the private garden of the property. An existing line of tall conifer hedge would be removed to create a new parking area to the front of the property, and the new garden area would be set back from Giraud Drive by 5.5 metres.

2.02 The new garden area would measure 6.5 metres out from the side wall of the property, leaving a two metre open strip before the pavement area, which also has a width of two metres.

2.03 The proposed garden extension would be surrounded by a 1.8 metres tall close-boarded fence (stained Woodland Green), and new trees/shrubs are proposed for planting on the 2 metre wide strip to soften the impact of the fence.

2.04 The application is accompanied by a letter explaining the reasoning behind the application. The applicants purchased the land concerned that planning approval maybe granted for housing, as was approved on land adjacent to 25 Wells Way (14/501632) and 58 Wells Way (15/509013), both approved on appeal. They have no plans or desire to build upon the land, but would like to incorporate most of the land into their garden, whilst ensuring that the two metres strip still provides an open appearance to the area, as on the opposite side of Sherwood Close.

3.0 PLANNING CONSTRAINTS

3.01 None.

4.0 POLICY AND OTHER CONSIDERATIONS

4.01 Swale Borough Local Plan 2008: Saved policies E1 (Development Criteria) and E19 (Design Criteria)

5.0 LOCAL REPRESENTATIONS

5.01 The Faversham Society also raises objection to the proposals, noting that;

'This application should be refused because the enclosure of the open space on the North side of the dwelling would result in an enclosure on one side of Sherwood Close which would set a precedent for the loss of similar open spaces which are characteristic of the entrances to Closes on this estate. This feature is common to the Closes off Everard Way and Churchill Way which also form part of this early 1960's development.'

It is noted that several sites in Wells Way, which are larger than this, have been developed for housing. However, this should not set a precedent for other developments which would add to the enclosure of spaces within this estate.'

5.03 No representations have been received from local residents.

6.0 CONSULTATIONS

6.01 Faversham Town Council raises objection to the proposal, noting that;

'The proposed new fence and hedge would detract from the open appearance of the area and the original design intentions.'

6.02 Kent Highways and Transportation raises no objection. However, a separate Officer from Kent Highways Enforcement Team has noted that the land, though owned by the applicant, is considered to form part of the publicly maintainable highway and, as such, the highway rights accrued over this land supersede those of any private ownership. This matter will be discussed later within this report.

7.0 APPRAISAL

7.01 The main issues to consider in this case appear to be those of visual and residential amenity.

7.02 In terms of visual amenity, whilst I note that part of the land would be closed off to the public, I do not believe that this would have a significantly adverse effect on the character and appearance of the area. I note the intention to include the two metre grass strip to be located outside of the proposed fence, and also note that the existing grass strip on the northern side of Sherwood Close, at 3.6 metres wide, is not substantially wider than that proposed on the southern side, and I would contend that the street scene would still have a sense of openness and space. As such, I believe that the impact of the proposal would be fairly limited and provide an acceptable level of impact on the street scene, and far less than if a dwelling were proposed here. The removal of the existing tall conifer hedge will further assist in this matter.

- 7.03 In terms of residential amenity, no issues of overlooking or overshadowing would be raised by the proposal, and it is again noted that there would be no unacceptable effects resulting from the proposal.
- 7.04 I do not agree with the contention that to approve this application would set a precedent, as each individual planning application needs to be considered on its own merits and no two areas of open space on the estate are the same.
- 7.05 However, to ensure that the boundary treatment and landscaping of the site is acceptable, I would recommend the inclusion of suitable conditions below.
- 7.06 Finally, I note the comments from Kent Highways Enforcement, but this would constitute a separate legal matter, not a planning matter

8.0 CONCLUSION

- 8.01 I therefore recommend that the application be approved, subject to strict accordance with the conditions included below.

9.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity and to ensure that such matters are agreed prior to the commencement of development.

- (3) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (4) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (5) The trees shown on the plans hereby approved as existing trees shall be retained and maintained. Any such trees removed, dying, being severely damaged or becoming seriously diseased within five years of the date of this permission shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

Reason: In the interests of visual amenity.

- (6) No fencing or other means of enclosure shall be erected within 2m of the footpaths on Sherwood Close or Giraud Drive.

Reason: In the interests of visual amenity.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Where possible, suggesting solutions to secure a successful outcome.
As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

INFORMATIVES

- (1) The Applicant is encouraged to discuss the legal implications of the proposal with Officers at Kent Highways Enforcement before implementing this planning permission.

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

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.