

2.12 REFERENCE NO - 17/502909/OUT			
APPLICATION PROPOSAL Outline application with all matters reserved for the erection of a 2 bedroom detached dwelling. (Resubmission of 17/500438/OUT)			
ADDRESS 47 Brier Road Borden Kent ME10 1YJ			
RECOMMENDATION – Grant subject to conditions			
REASON FOR REFERRAL TO COMMITTEE Councillors Baldock and Hampshire requested that the application be called in and Parish Council objection.			
WARD Borden And Grove Park	PARISH/TOWN COUNCIL Borden	APPLICANT Mr Paul Muehlthaler	
DECISION DUE DATE 28/07/17	PUBLICITY EXPIRY DATE 13/07/17		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
17/500438/OUT	Outline application for the erection of a 2 bedroom detached dwelling.	WITHDRAWN	
He/13/0010	Single storey extension to the rear of the property, which would extend beyond the rear wall of the original house by 4m, for which the maximum height would be 3.5m and for which the height of the eaves would be 2.3m	Prior approval not required.	01.10.2013
SW/08/0107	UPVC conservatory on brick base.	Granted	20.03.2008
SW/92/0799	Side extension.	Granted	03.11.1992

1.0 DESCRIPTION OF SITE

- 1.01 The application site lies within Borden Parish but within the defined built up area of Sittingbourne. The application site lies within the long rear garden of No 47 Brier Road, a semi-detached dwelling fronting onto Brier Road but the rear boundary of which fronts onto the turning head at the far end of Grove Park Avenue, a more recent housing development, set at a lower level.
- 1.02 The site slopes significantly between the rear of the site (at the end of the garden of No 47 Brier Road) and the highway in Grove Park Avenue. The surrounding area features predominantly semi-detached dwellings which feature a range of parking provision in the form of parking to the front and side and within garages. There are no formal parking restrictions at this end of Grove Park Avenue.
- 1.03 Running alongside the site is Public Right of Way ZR149, which runs in between Nos 47 and 49 Brier Road, linking Brier Road to Grove Park Avenue in the form of an

alleyway. A lamppost is located in the pavement on the site’s frontage to Grove Park Avenue, which would be re-located.

2.0 PROPOSAL

2.01 Outline planning permission, with all matters reserved, is sought for the erection of a two bedroom detached dwelling. The property would be located in the rear garden of No 47 Brier Road and would be accessed off Grove Park Avenue. The existing garden of No 47 would be split to provide the plot for the new dwelling. Due to the levels of the site the plot levels would be lowered in line with the levels of Grove Park Avenue.

2.02 The residential garden of No 47 would be reduced to an average 11m in length (net of an existing single storey rear extension) and the new dwelling would have an indicative 8m long garden with a smaller side garden measuring 6m in width at its widest. It is proposed to remove part of the existing hedge running along the public footpath boundary and replace this with a low level brick wall.

2.03 Although only outline planning approval is sought with all matters; indicative plans have been submitted showing details for a two bedroom dwelling with one parking space to the front of the property.

2.04 The indicative plans show the following:

1. Two bedroom property, featuring two en-suites, kitchen and a lounge/dining area
2. Provision of one parking space measuring 5.5m 2.5m
3. Reduction of garden space for No 47 Brier Road
4. Provision of a 8m in length garden with side garden for the proposed dwelling
5. Internal layout and window arrangements to avoid overlooking
6. Construction of a retaining wall and new hedge and fencing at a height of 1.8m on boundary with No 47 Brier Road

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
No. of Residential Units	0	1	+1
Parking Spaces	0	1	+1

4.0 PLANNING CONSTRAINTS

4.1 None

5.0 POLICY AND OTHER CONSIDERATIONS

5.1 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are relevant in terms of encouraging good design standards and minimising the potential impacts of any development upon the amenity of neighbouring residents.

5.2 Bearing Fruits 2031: The Swale Borough Local Plan 2017 policies ST3 (The Swale settlement strategy), CP3 (Delivering a choice of high quality homes); CP4 (Requiring good design); DM7 (Parking); DM14 (General Development Criteria); DM19 (Sustainable Design and Construction)

6.0 LOCAL REPRESENTATIONS

6.1 I have received 23 letters of objections making the following summarised comments:

- Loss of privacy
- Loss of light
- Access to the alleyway and safety concerns
- Increase in parking problems that are already encountered in Brier Road and Grove Park Avenue
- The local area is already congested in terms of parking provision
- The development fails to meet the local parking standards and the turning circle should not be used for parking
- The access to the site is onto what is currently a turning circle for the whole of Grove Park Avenue, it already suffers from parked cars and vans from Brier Road making the turning very difficult
- The proposal would remove a 6m area of kern which would lead to virtually no available parking area left for local residents
- Concerned that the access measurements are incorrect leading to more on street parking
- Lowering the land within the application site would result in retaining walls, fencing and screening which reduces the amount of natural light
- Moving the street lamp away from the alleyway would create a safety concern- in particular the safety of school children who use this public footpath
- The development would be an eyesore
- The design of the proposed dwelling is not in keeping with the surrounding area
- Concerned about surface flooding- adding another dwelling would add to the problem
- The revised boundary line does not respect the pattern or layout of Brier Road, whilst properties within this section of Brier Road have been extended, none have built a separate dwelling within the garden, this could set a precedent for neighbouring properties
- No 45 could look directly into the proposed dwelling
- Alleyway would become a target for crime
- The proposed dwelling would fail to improve the area
- The reduced plot, when compared to that of the significantly larger specious neighbouring plots, would have a detrimental effect on the character and open appearance of the streetscene and its residential and visual amenities
- The proposed development would be incongruous and cramped development contrary to local plan policies
- The proposal provides poor garden amenity space and does not meet the minimum separation distances
- Contrary to policy CP6 which seeks to maintain the integrity of the green infrastructure network
- Starter homes have been allocated in the new Local Plan and as such this one is not required

NOTE that this is an application for outline planning permission with ALL matters reserved; matters regarding design, privacy, parking provision, access and landscaping would be dealt with at reserved matters stage where detailed drawings would need to be submitted. With regards to drainage this can be conditioned but is primarily a matter for Building Regulation approval. The application does not include any changes or re-siting of the public footpath.

7.0 CONSULTATIONS

- 7.01 Borden Parish Council originally raised no comment on the application in June 2017. However, in late September without any changes having been made to the scheme, the Parish Council raised an objection making the following comments:

'We originally commented on this on-line but at the last Parish Council meeting several residents attended to put forward their concerns regarding this application. Having looked again at the details the Parish Council and listened to residents' concerns, my Members would like to raise the following objections:

Due to the slant of the land the second floor will have a clear sight into adjacent properties and will look right into the bedroom windows.

Will cause substantial shading of adjacent front gardens and properties.

Because of the turning circle on to the road in Grove Park Avenue it will impact on the area and cause issues with parking.

It will deny residents the opportunity to turn at the end of this cul-de-sac. This is an essential access to properties and will prohibit proper use by vehicles.

The driveway will create a health and safety issue for pedestrians using the adjacent footpath.

The proposed moving of the street light will make the footpath dark; at present the light shines up the alleyway and is a deterrent to crime.

There is inadequate parking provision.

Concerns about flooding and excess water run-off. This is a known flood area due to a previous pond.'

- 7.02 Kent Highways and Transportation have made the following comments:

'Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.'

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 Planning application background papers and plans to planning references 17/502909 and 17/500438.

9.0 APPRAISAL

- 9.01 The site is located within the defined built up area of Sittingbourne within the Parish of Borden, within a residential area. The principle of sustainable development is acceptable in this location and in line with adopted planning policy guidance including policy ST3 of the newly adopted Local Plan which sees the urban area of Sittingbourne as the highest priority for sustainable development.

- 9.02 At this stage the visual impact of the proposal can only be considered in broad terms though the application submission does provide indicative drawings showing the potential layout arrangements, landscaping and parking provision details. However, all matters in relation to design, height, materials, layout, access and landscaping would be fully considered and assessed at the reserved matters stage if planning permission is approved.
- 9.03 The previous application reference number 17/500438/OUT was withdrawn following officer concerns raised in relation to the proposed residential amenity space, quality of the amenity space, highways considerations and the impact on the street scene due to the parking layout (all to the front of the proposed dwelling).
- 9.04 Following advice, the applicant has now provided illustrative details in relation to the design, access, site layout and landscaping with this outline application submission.
- 9.05 In my opinion a dwelling here could fit in well with the surrounding area without causing highway safety problems. The site would have access from a wide turning area from which a small number of other houses already gain access, seemingly without difficulty. An additional access point here might naturally discourage use of the turning head for on-street parking, so reducing any potential congestion or manoeuvring problems. The illustrated drawings clearly show that a dwelling can be designed in such a manner that would ensure that there is no significant detrimental impact on the visual and residential amenity of the surrounding area.
- 9.06 The plot, though on the small side, is in my view sufficient in size to create a single dwelling on it whilst also providing the required amenity space and parking provision. The site lies within a sustainable location within walking distance of bus stops and amenities. Whilst the proposal is likely to include parking provision, the occupiers would not be completely reliant on the use of a car in this location.
- 9.07 The Council has received a number of objections to the proposal which raise concerns regarding to highway safety; parking provision; drainage and surface water flooding; design; layout; landscaping; impact on the footpath and impact on residential amenity. At this stage all that can be considered is the principle of the development and not the specific design, layout, access and landscaping. I am of the view that the addition of one dwelling is unlikely to have a significant impact on the parking provision on Grove Park Avenue where there are no formal parking restrictions in place. Furthermore, I note the concerns raised about the impact on the turning head; the development would not impact on the ability and space to use the turning head as there is sufficient space within the site for the provision of one parking space. The majority of the concerns raised are matters, including privacy and loss of light, that would be dealt with under the reserved matters stage and not at this outline stage where only the principle of the development is accessed and considered. However, I see no reason to believe that such issues could not be dealt with satisfactorily.
- 9.08 I note the objections now raised by Borden Parish Council which reflect the comments made by some of the local objectors. With regards to the safety concerns of having a driveway access next to the footpath the indicative plans show a low level brick wall which would provide sight lines and visibility. This is similar to the arrangement on the opposite side of the footpath today. These landscaping details would be controlled at the reserved matters stage but the site clearly is sufficient in size to allow for safe access into and out of the site.

10.0 CONCLUSION

10.01 The proposal entails development within the built up area boundary which is acceptable as a matter of principle. There is sufficient space on the site to accommodate the proposal for one dwelling and the parking demands and as such I recommend approval subject to the conditions below.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS

(1) Details relating to the layout, access, scale and appearance of the proposed buildings and the landscaping of the site shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(2) Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(3) The development to which this permission relates must be begun not later the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(4) The details submitted pursuant to condition (1) above shall show that the new dwelling shall not be sited less than 21m from the nearest first floor rear (north facing) window of 47 Brier Road, and the new property shall not include any rear (south facing) window above ground floor level serving a habitable room. The development shall then, be completed strictly in accordance with the approved details and thereafter, notwithstanding the provisions of Classes A or B of Part 1 of Schedule 2 to The Town and Country Planning (General Permitted Development)(England)Order 2015 (as amended), no further new openings above ground floor level shall be installed in any rear (south facing) wall or roofslope of the new property.

Reason: In order to secure a satisfactory level of privacy for the new property at ground and first floor levels, and to prevent loss of privacy to 47 Brier Road from new windows above first floor level in the new property in the longer term.

(5) The details submitted pursuant to condition (1) above shall include cross-sectional drawings through the site, of the existing and proposed site levels. The development shall then be completed strictly in accordance with the approved levels.

Reason: In order to secure a satisfactory form of development having regard to the nature of the site.

- (6) All hard and soft landscape required under condition (1) above 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.

- (7) Upon completion of the approved landscaping scheme required under condition (1) above, 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.

- (8) No development beyond the construction of foundations shall take place until full details of any retaining walls have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Reason: In order to ensure adequate foundations are in place.

- (9) The details submitted in pursuance of condition (1) shall show adequate land reserved for parking in accordance with the Approved County Parking Standards and, upon approval of the details this area shall be provided, surfaced and drained before any building is occupied and shall be retained for the use of the occupiers of, and visitors to, the dwellings. Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and detrimental to highway safety and amenity.

- (10) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. measures to control the emission of dust and dirt during demolition and construction
- v. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of the amenities of the area and highway safety and convenience.

- (11) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (12) No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor any other day except between the following times:-

Monday to Friday 0900-1700 hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

The Council's approach to the 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:

Offering pre-application advice.

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.

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.

