

REFERENCE NO - SW/14/0423			
APPLICATION PROPOSAL New dwelling within rear garden			
ADDRESS R/O 124 Chaffes Lane, Upchurch, Nr Sittingbourne, Kent, ME9 7BG			
RECOMMENDATION APPROVE			
SUMMARY OF REASONS FOR RECOMMENDATION Proposal would be acceptable as a matter of principle, would not give rise to harm to visual or residential amenity, nor to highway safety/convenience and would be acceptable in all other respects.			
REASON FOR REFERRAL TO COMMITTEE Parish Council objection			
WARD Hartlip, Newington & Upchurch	PARISH/TOWN COUNCIL Upchurch	APPLICANT Mr & Mrs K Harrell AGENT Mr Robert A Clayton	
DECISION DUE DATE 21 August 2014	PUBLICITY EXPIRY DATE	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site lies within the built up area of Upchurch, and currently forms part of the rear garden to no.124 Chaffes Lane. It has a frontage on to Marstan Close, which the proposal seeks to utilise for vehicular and pedestrian access. Marstan Close is characterised by single storey dwellings. To the rear of the site, the closest dwellings are nos.132 & 134 Chaffes Lane, the closest of which is in excess of 35 metres from the boundary.

2.0 PROPOSAL

- 2.01 The application seeks planning permission for a small two bedroom bungalow. The dwelling would have an irregular shaped footprint, being a maximum of 11.3m wide, and a maximum of 10.5m deep. It would feature a pitched roof, with a ridge height of 5.7 metres. The plans were amended in July and have recently been amended again, such that they now show two parking spaces, a visitor parking space and a small turning area proposed to the front. Access would be taken via the driveway of 2 Marstan Close. A rear garden measuring 7 metres deep and 15 metres wide is proposed.

3.0 SUMMARY INFORMATION

	Proposed
Approximate Ridge Height (m)	5.7m
Approximate Eaves Height (m)	2.3m
Approximate Depth (m)	10.5m
Approximate Width (m)	11.3m
No. of Storeys	1
Parking Spaces	3
No. of Residential Units	1

4.0 PLANNING CONSTRAINTS

None

5.0 POLICY AND OTHER CONSIDERATIONS

- 5.01 Policies SP1, SP4, E1, E19, H2 and T3 of the Swale Borough Local Plan 2008 are relevant, and encourage the provision of new residential development within existing built up areas subject to there being no over-riding amenity concerns.
- 5.02 The National Planning Policy Framework (NPPF) and Planning Practice Guidance (NPPG) are also both relevant in terms of encouraging sustainable housing development of a high standard of design and without serious amenity impacts.
- 5.03 The Council's adopted Supplementary Planning Guidance entitled "Designing an Extension" is relevant in terms of setting minimum separation distances between properties. It advises that there should be at least 21m rear-to-rear between dwellings in order to minimise the potential for overlooking

6.0 LOCAL REPRESENTATIONS

- 6.01 Objections from 9 separate addresses have been received, summarised as follows:
- Increased vehicle movements will give rise to noise and disturbance to the occupiers of no.3 Marstan Close
 - Off road parking is at a premium in the area, and the access would result in the loss of parking for no.,2 Marstan Close.
 - A turning area should be provided [note – the plans have been amended providing a turning area to serve the dwelling]
 - Party wall agreements/structural surveys will be required. [Members will be aware that this is a private legal matter and not a material planning consideration here.]
 - The proposal will harm trees protected by a TPO [There are no TPOs on trees that might be affected by this development]
 - Will give rise to loss of light to the adjacent dwelling.
 - Will harm residential amenity;
 - This is a cynical attempt to shoehorn in a structure;
 - If built, could be extended in future, leading to more vehicles;
 - A low level modern design would reduce harm to residential amenity;
 - Will give rise to a terracing effect and detract from the current street appearance;
 - Is far too close to neighbouring boundaries;
 - Too large for a small plot and is being squeezed into an inappropriate site;

- Site is in a residential garden – could set a precedent and is not suitable for a village location;
- Inadequate access to the site for emergency vehicles;
- Lack of on street parking;
- Plans are misleading;
- Obstruction of view;
- Will have an undesirable and ill effect on the natural flow of light to properties;
- Would be overbearing;
- Will hinder access to parking at no.2 Marstan Close;
- Will not match existing properties;
- Will disturb the innate flow of the cul de sac;
- Will result in the heinous loss of plant and animal life and will be a crime against nature;
- Noise and disturbance during construction;
- The site is extremely small with the dwelling shoehorned in;
- This application cannot be considered as infill, and the site is not brownfield;
- Would be a speculative development;
- Previous applications in the garden of no.3 Marstan Close have been refused and there is no reason why this application is any different;
- Off road parking in the area is at a premium. The proposals do not allow for known historical issues to be taken into account and the proposals do not fulfil the needs of the proposed development;
- Turning areas should be incorporated to design out the need for excessive vehicle movements and or the requirements for vehicles to reverse excessive distances for access/egress onto the proposed site;
- The site is designated as residential garden;
- Issues with access for emergency vehicles;
- Previous application has been refused;
- Loss of value to properties;

6.02 No representations of support have been received. The applicant has responded to some of the objections, commenting as follows:

- The proposal will have no impact on nos.132 and 134 Chaffes Lane;
- The development of Marstan Close in the 1950s originally included the development of this plot, but it was never completed. This development would simply finish off the intended design and development in Marstan Close.

7.0 CONSULTATIONS

7.01 I have discussed the application with Kent Highway Services, who considers the scheme acceptable.

7.02 The Council's Environmental Health Manager raises no objection, subject to the condition below in respect of hours of construction.

7.03 Upchurch Parish Council raise objection, commenting as follows:

“Though it understands the applicants wish to maximise the use of the large rear garden, it has the following comments to make:

- *It believes it is an over-developed back-fill*
- *It will impact on the owners of nos. 134 and 132 Chaffes Lane;*
- *The owner of no.2 Marstan Close is a relative of the applicants and, although she may not object to the use of the right of way fronting her property, any future owner could find it intrusive;*
- *The views of the owners of no.3 Marstan Close and all the neighbours in Marstan Close should be given serious consideration;*
- *Marstan Close is a small cul-de-sac with congested parking and the proposed development would exacerbate this problem with increased on-road parking for visitors or commercial deliveries.*

Taking these views as a whole, the Planning Review Team objects to the proposals. Further views may be expressed when it is discussed at the next meeting of the full Council.”

8.0 BACKGROUND PAPERS AND PLANS

8.01 Application papers and plans (including amended plans received 30th January 2015.)

9.0 APPRAISAL

9.01 The key issues here are the principle of development, the impact on residential and visual amenity, and the impact of the development on highway safety and convenience.

Principle of Development

9.02 The site is located in the built up area of Upchurch, and therefore the development proposed is acceptable as a matter of principle. Members will note the objections raised on the basis that the site forms part of the domestic garden serving no.124 Chaffes Lane. Such development is not unacceptable in principle, and much depends on the specific details of the proposal. In this case, the proposal would not amount to isolated development, without a recognisable frontage to a highway – it would not in my view amount to “backland” development, as it would clearly be seen in the context of the existing dwellings in Marstan Close.

9.03 In my view, the proposal is acceptable as a matter of principle.

Visual Impact

9.04 The design of the proposed bungalow is acceptable. It would blend in well with the existing development in the streetscene. It would be comparatively unobtrusive and would not appear cramped within the site. The parking areas proposed would not be readily visible from public vantage points, and would not harm the visual amenities of the area.

9.05 The proposal would give rise to the loss of a number of trees and vegetation. However – these trees are not protected, and in my view do not contribute so markedly to the character of the area that they should be protected.

9.06 I consider the visual impact of the development to be acceptable.

Residential Amenity

- 9.07 The proposed dwelling would be sited and oriented such that it would not overlook nor be overlooked by the adjacent dwellings. The properties in Chaffes Lane lie some considerable distance from the site and I do not envisage any significant impact on the amenities of the occupiers of these dwellings. With regards to the impact on no.3 Marstan Close, the proposed dwelling would lie adjacent to an attached garage serving this dwelling and approximately 5 metres from its rear conservatory. In my view there is unlikely to be any significant overshadowing or overlooking issues in this respect. There are rooms above the garage serving no.3 Marstan Close, but given the proximity of the dwelling, any overlooking would be from an acute angle and would be unlikely to be significant. I do though recommend removing permitted development rights for alterations and extensions to the roof of the dwelling, in order to control any additional works which might give rise to mutual overlooking in this respect.
- 9.08 The proposed dwelling would introduce a number of additional vehicle movements into the cul de sac. However – these would not be significant, and given the location of the access to the front of no.2 Marstan Close, and adjacent to a garage serving no.3 Marstan Close, I am of the view that there would not be a harmful increase in noise and disturbance to the occupiers of these dwellings. Members will note that the Council's Environmental Health Manager has not raised objection in this respect..
- 9.09 The private garden area proposed to serve the dwelling would in my view be of a sufficient size to cater for the needs of the occupiers. Equally, it would leave a substantial area of private garden space (in excess of 20 metres in depth) for no.124 Chaffes Lane. In my view, the proposal would be acceptable in this regard.

Highways

- 9.10 Kent Highway Services, together with local residents and the Parish Council raised concern regarding the provision of off street parking and turning facilities within the site. The plans as originally submitted would have seen vehicles either reversing into or reversing out of the site for a substantial distance. This was unacceptable. However – the plans have now been amended to show a small turning area, such that Kent Highway Services do not raise objection. The provision of parking is also considered acceptable, with two spaces (together with a potential visitor space) being provided for a two bed dwelling. Access for emergency vehicles would not be impossible, and therefore that does not amount to a reason for refusing planning permission here.

Other Matters

- 9.11 Members will be aware that loss of value to property is not a material planning consideration here. With regards to the impact on wildlife, no concerns have been raised regarding the presence of protected species on the site, and any that might be discovered would need to be appropriately dealt with in accordance with the relevant legislation.
- 9.12 Reference has been made to the refusal of permission for dwellings in the garden at no.3 Marstan Close. The relevant applications are SW/98/1038 and SW/03/0614, both of which sought outline planning permission for the erection of two dwellings. Permission was refused on the basis that both schemes would have seen vehicles passing very close to no.3 Marstan Close, and this would have given rise to significant harm to residential amenity. No.3 Marstan Close now has a large garage

where the access was proposed to be taken from. The dwelling proposed here would not give rise to vehicle movements close to habitable rooms of either no.2 or no.3 Marstan Close, and the number of vehicle movements would be less. I do not consider that the approval of this scheme would be at odds with the refusal of the previous applications at the neighbouring site.

10.0 CONCLUSION

10.01 The proposal is acceptable and would not give rise, in my view, to harm to residential or visual amenity, nor would it harm highway safety or convenience.

11.0 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) The development shall proceed in accordance with the following drawing:
14.02.03 REV B (received 30th January 2015)

Reason: For the avoidance of doubt and in the interests of proper planning

3) No development shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development as approved.

Reason: In the interest of promoting energy efficiency and sustainable development

4) Prior to the commencement of development, details of the external finishing materials to be used on the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

5) Upon completion, no further development, whether permitted by Classes B or C of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out without the prior permission in writing of the Local Planning Authority.

Reason: In the interests of residential amenity

- 6) 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.

- 7) The vehicle parking and turning spaces shown on the approved drawing shall be provided, surfaced and drained prior to the first occupation of the dwelling hereby permitted, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

- 8) 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 should be native species where possible and of a type that will enhance or encourage local biodiversity and wildlife), 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.

- 9) 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.

- 10) 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

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:

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:

Amendments were provided by the applicant to improve the scheme and 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.