

Comments for Planning Application 21/504571/FULL

Application Summary

Application Number: 21/504571/FULL

Address: Greystone Bannister Hill Borden ME9 8HU

Proposal: Demolition of existing property and erection of 2no. five bedroom dwellings with associated parking and private amenity space as amended by drawing no's. 21.29_PL_11 Rev A; 21.29_PL_12 Rev B; 21.29_PL13 Rev B; 21.29_PL14 Rev A and 21.29_PL_20.

Case Officer: Claire Attaway

Customer Details

Name: Mr Cameron McEwan

Address: Wykeham, Hearts Delight, Borden Sittingbourne, Kent ME9 8HX

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Important Notes on Delegated Report - 30th November

We have serious concerns over the content of the delegated report which appears to attempt to dismiss every objection local residents have made. They are not minor objections and in totality support this is an unnecessary over development of the site. Nor is this a case of neighbouring properties being difficult, these are genuine, real concerns about the major adverse impact the proposal will have on surrounding properties and the area as a whole. Surely if they are to be dismissed, it is reasonable for this to be justified with sufficient quantifiable evidence i.e. modelling can show the impact a development has in terms of loss of light and overshadowing. I don't believe it is unreasonable to expect robust procedures to be in place to protect neighbouring properties and consider fully their objections.

1. Density

The delegated report states the following in relation to density, "In relation to this point my advice is that the replacement of the single original house on this very large garden with two (or in this case four) detached houses with generous gardens and ample parking provision, is not one that will upset the current low density and spacious character of the area." And "I do not consider that the development will lead to a detrimental change in the character of existing neighbourhood, or contravene the spirit or intention of policies CP3 or CP4 of the Local Plan."

I would strongly dispute this statement on the following grounds:

A. If the area is characterised as "low density" and "spacious" then how can a large property being placed at essentially a minimum distance, even if it was an urban setting which this is not, be in

keeping with the area?

B. CP4 states "Be appropriate to the context in respect of materials, scale, height and massing" The scale, height and massing is not appropriate at all as raised in previous submissions due to its close proximity to Wykeham. It also states "Use densities determined by the context and the defining characteristics of the area", again there is not a density like it as you come down onto the corner of Bannister Hill into Hearts Delight as clearly demonstrated by an aerial view of the area. It certainly is not using the densities from the surrounding area.

C. It creates a density of houses along this rural road that doesn't currently exist and will set a dangerous precedent for any future developments. This is a rural area that runs along a country lane and contains two conservation areas, Harman's Corner and Hearts Delight.

D. The garden of Plot C is at the bare minimum of what you would expect for a 5 bedroom property and a significant proportion of it is currently covered by the trees that screen Brierley. The trees are going to be trimmed back and given the trees in question are not protected trees, it is highly likely that any occupant would remove or significantly reduce the height of these trees to allow light to the property and allow more garden space. Similar trees have already been removed at the top of the site and at the rear of Bellami by the applicant.

E. Bearing Fruits 2031: The Swale Borough Local Plan 2017 States: "5.3.3 In suburban, village and other sensitive locations, a lower density may be more suitable where the conservation and enhancement of the character of the site, or its biodiversity or local context may be a priority. These considerations frequently arise in respect of proposals for development in the gaps between properties or in their gardens, or as a result of the redevelopment of the entire site. This type of development has been emotively referred to as 'garden-grabbing' and whilst not precluding the appropriate development of such sites, proposals leading to a detrimental change in the character of existing neighbourhoods will not be permitted."

The description above could not better describe the Greystone application and yet our objections have been dismissed despite it clearly stating they will not be permitted. This area is deemed by local residents to be a rural area, we have lots of wildlife ranging from hedgehogs, squirrels, bats and a variety of birds as well as badgers who are often sited on Bannister Hill, on the Greystone site and at Bellami and multiple sets have been identified across the road from us at Hillyfields. A large number of trees have already been removed by the applicant and more are likely to be removed by any occupants especially in Plot C damaging important habitats, the Greystone site is being heavily built on and concreted over and it is undeniably damaging to the local area and wildlife that rely on it.

F. Whilst Greystone is a large plot, proposing to squeeze 4 five bedroom houses within it, increasing the development footprint to approximately 335% of the original Greystone dwelling, clearly demonstrates a significant and unnecessary overdevelopment of the site.

2. Loss of Light/Overshadowing

The delegated report states the following regarding overshadowing:

"Consistently seeks to maintain a minimum 11m distance between a two storey flank wall and existing windows to habitable rooms to prevent unacceptable overshadowing and loss of outlook for residents."

A. We do not consider that this 11m is a reasonable distance as it is standard for the minimum distance of a development to be increased in line with the elevation and / or additional height. Context is crucial, on paper something might tick boxes but reality can often be very different. This is why the site visit was incredibly eye opening even to us at Wykeham as seeing it from Greystone was far worse than we had previously envisaged.

B. At the site meeting the planning officer acknowledged that the minimum distance should increase where there was an elevation and would take into consideration the height of the property. Given the elevation and the height of the proposed property it is therefore reasonable to expect the 11 metres minimum distance to have been increased and we believe it be right on the limit of what is acceptable. As already stated in our comments the actual elevation from the proposed property to the house of Wykeham is approximately 1m, not 650mm. If this figure was intended to be stated as the boundary elevation then it is inconsistent with the submitted plans which show 780mm on the boundary. This is an important clarification that wasn't made at the meeting, in the report or in the plans. To use the boundary elevation rather than in relation to Wykeham's house is misleading and the inaccuracies in detail are disappointing as they continue to emerge.

C. We are astounded that the delegated reports states that it does not believe there will be unacceptable overshadowing. Anyone who attended the site visit could see the proximity to Wykeham, the proposed position of the property marked with the blue posts and could visualise the sheer scale of the property with the elevation. Having 90% of your rear garden overshadowed for the afternoon and evening by the proposed property as well as your rear living space, I consider unreasonable and completely unacceptable as would the majority of people. If that isn't deemed unacceptable it's hard to know what would be.

D. The updated plans clearly highlight that the proposed development is still in breach of the Building Research Establishments (BRE) 25 degree test to determine loss of daylight and sunlight for Wykham's Living Room patio doors and full length windows as seen in the applicant's own submitted plans - 21.29_PL12. As we have already been advised by independent experts who specialise in loss of light caused by developments, a breach is a breach, it doesn't matter how big or small, it has the same result in that light is blocked by the building. Clearly this is not acceptable and would most definitely result in an unreasonable loss of light to Wykeham.

E. Policy DM14 of the adopted local plan advises that developments should respect the amenities

of occupiers of neighbouring properties by ensuring that developments do not create loss of sunlight, overshadowing, overlooking, result in excessive noise, activity or vehicular movements or visual intrusion. Therefore, if the 11 metre rule is followed and the minimum distance is not significantly increased to allow for the elevation, height and scale of the property, then it is not clear what protection, if any, DM14 affords existing properties. The proposal clearly does not respect any of the views expressed by neighbouring properties with only minor amends to the original proposed plans that were required due to the legal requirement to submit accurate plans.

F. The Kent Design Guide states: "Most modern suburban developments fail to overcome perceptions of overlooking and visual intrusion, demonstrating that distance alone through use of minimum standards is an inadequate measure..." Unfortunately, we believe that this proposal has been working towards the informal 11m minimum distance rather than being guided towards solutions that are more proportionate and considerate in line with The Kent Design Guide.

G. The Kent Design Guide states: "Buildings should be designed to avoid overshadowing and minimise shading from obstructions to sunlight". The proposed development runs in parallel to the rear boundary of Wykeham for most of the property's width, elevated approximately 1m higher, 2 storeys plus a roof that's almost the equivalent of 2 more. With the minimum distance that a development can be to a boundary being 2m, there essentially is no layout design that could actually be worse for overshadowing than that which is being proposed.

3. Overlooking

The delegated report states the following on overlooking:

"At the last meeting I advised Members that the existing property has bedroom windows which provide direct views towards the rear of the properties Brookwell and Bellami. In the proposed scheme the bedroom windows provide views along rather than across the rear boundaries, reducing the likelihood of loss of privacy, and that I see no increased harm arising from the development."

A. It is always important to have context which the above is again missing and could easily be taken as if this has always been the case which is not true. This has already been raised in the objections and in person with the planning officer. The view from the bedrooms in Greystone clearly overlooked Bellami, however that is not how it was when the property was sold to the applicant earlier this year. One of the first things the applicant did was to remove screening from surrounding properties that was providing important protection to them. Given the only work planned on the site at the time was at the top of the site it seemed a strange decision. It is certainly not unreasonable for neighbouring properties to now conclude that the view from Greystone to Bellami has been carefully engineered to show Bellami was already overlooked as it was always the intention to apply for amended planning permission to build additional properties and demolish the original Greystone property.

B. Had the two applications for Greystone been combined i.e. the one approved at the top of Greystone in addition to this amended application then I believe it would be reasonable to assume that there would have been even stronger objections from surrounding properties in the area.

4. Traffic

A. Despite the majority of surrounding properties all raising concerns regarding the traffic, the damage to the rural lane along Hearts Delight, the banks falling into the roads, having potentially 10 plus vehicles using an access point that was previously only used by one car is a dramatic increase and can only make the current situation worse.

B. This overdevelopment of the site will only amplify the traffic issues on Bannister Hill and Hearts Delight.

C. In July 2017 Kent Police said the following as a result of residents requesting a traffic assessment of the Hearts Delight/ Bannister Hill area:

"Myself and a colleague went out and assessed the road with view to completing speed checks on vehicles. However the risk to officers and members of the public is too great. The reasons behind this are that there isn't a long enough straight piece of road for us to conduct the checks this greatly increases the risk of an accident. Also there isn't a safe enough location for officers to stand to conduct these checks."

D. In the Local Plan, 7.8.4 of DM33 'Development affecting a conservation area' states the following: "...The character of conservation areas can be fragile, and their distinctive quality and character can be damaged by new development, or by other more subtle means such as increased traffic..." This is extremely relevant given that the access point for Greystones site is within Harman's Corner and work has already been undertaken to the access point that is within the conservation area that has caused problems with the bank as raised at the site meeting by a local resident. Whilst the proposed property may not be within the conservation area, if work is being done on the entrance that is within the conservation area at the expense of the view in and out of the conservation area then this should not be accepted especially as an independent report has already suggested the splays should be greater than what was previously suggested which will only result in further changes to the conservation area.