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| 2.7 REFERENCE NO - 14/503145/FULL | | | |
| APPLICATION PROPOSAL Small retaining walls for brick planters to front garden two areas | | | |
| ADDRESS 11 Hustlings Drive Eastchurch Kent ME12 4JX | | | |
| RECOMMENDATION Permission | | | |
| SUMMARY OF REASONS FOR RECOMMENDATION The impact on the character and appearance of the streetscene and visual amenity is acceptable. | | | |
| REASON FOR REFERRAL TO COMMITTEE Eastchurch Parish Council objects and Councillor Booth requests that the application is reported to planning committee. | | | |
| WARD Sheppey Central | PARISH/TOWN COUNCIL Eastchurch | APPLICANT Mr Michael A Crossman | |
| DECISION DUE DATE 04/12/14 | PUBLICITY EXPIRY DATE 04/12/14 | OFFICER SITE VISIT DATE 11/11/14 | |
| RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): | | | |
| App No | Proposal | Decision | Date |
| None. | | | |

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site consists of a residential dwelling set within a residential housing estate. This is a modern, open plan estate characterised by substantial dwellings set within substantial plots.

2.0 PROPOSAL

2.01 This is an application for retrospective planning permission for small retaining walls which create two planting areas within the front garden. There is a small planting area to the left side of the driveway and a larger planting area created to the right of the driveway. The walls are constructed in red brick and topped with white coping stones. The height of the walls ranges from 180mm to 780mm.

3.0 PLANNING CONSTRAINTS

3.01 The site has archaeological potential and is located within the built up area boundary of Eastchurch as defined by the Proposals Map of the Swale Borough Local Plan 2008.

4.0 POLICY AND OTHER CONSIDERATIONS

4.01 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) in relation to sustainable development and design. Development Plan: E1 and E19 of the Swale Borough Local Plan 2008.

5.0 LOCAL REPRESENTATIONS

5.01 Eastchurch Parish Council objects to the application and observes that it is retrospective, that planning conditions appear to have been contravened and sets a precarious precedent.

5.02 Thirteen letters of objection have been received which are summarised below;

- The proposal harms the open plan character of the estate.
- The proposal is visually harmful.
- The design, including the wall height, does not fit in with the estate.
- The whole aspect of the estate has been changed without consultation.
- We feel hemmed in.
- Covenants prevent this type of development but they have been ignored.
- Application plans are inaccurate.
- Would set a precedent if approved and could be repeated elsewhere.
- Manhole covers have been raised and are difficult to find due to landscaping.
- There is extra trellis on a side garden fence.
- Property deeds are quoted with regard to nuisance, landscaping maintenance, trees, boundary treatments and open areas. An objector believes these have been contravened.
- Two planning conditions relating to the control of means of enclosure to the front of dwellings and means of enclosure between properties are quoted.
- Some planting overhangs neighbours boundary.
- An analysis of the application documents is provided by an objector along with some covenants and planning conditions placed on the land.
- For reasons of taste and lack of consideration I object.

5.03 One letter making general comments has been received which notes that this is a retrospective application. General concern that other retrospective applications could be approved.

5.04 Eight letters of support have been received which are summarised below;

- Shocked that anyone would object to planting in current global climate.
- The property is visually appealing and the proposal enhances the area and helps tackle global warming.
- The proposal does not limit space in the area.
- The proposal has been built to a high standard and is in keeping with the area.
- The materials are appropriate.
- The flowers and shrubs look good.

6.0 CONSULTATIONS

6.01 Councillor Booth requested that this planning application be reported to planning committee if officers were recommending approval. The reason given for calling the application in was “demonstrable harm to the visual impact and landscaping”.

6.02 Kent County Council Archaeology requires no such measures.

7.0 APPRAISAL

- 7.01 It is important to set out that legal covenants placed on the title deed to a property are not a material planning consideration. The main issues that Members must consider are the impact of the proposal on the character and appearance of the streetscene and the visual amenities of the area.
- 7.02 Whilst the proposal is different to the open plan nature of the surrounding estate, I do not consider the proposal would create any meaningful harm to the character and appearance of the streetscene or visual amenities of the area. The brick walls are quite small and the choice of materials is appropriate in design terms in my opinion. The landscaping planted within the proposal adds to the verdant quality of the wider estate in my opinion.
- 7.03 The proposal would not result in harm to residential amenity because it is small scale and would not enclose neighbouring properties to any significant degree.

8.0 CONCLUSION

- 8.01 The proposal is acceptable in my opinion and planning permission should be granted.

9.0 RECOMMENDATION – GRANT without any conditions

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:

The application was acceptable as submitted and no further assistance was required.

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.