

PLANNING COMMITTEE – 26 April 2018

PART 3

Report of the Head of Planning

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 18/501027/FULL			
APPLICATION PROPOSAL			
To extend existing block paved driveway to front of property to accommodate one additional vehicle (retrospective)			
ADDRESS 10 Kingfisher Close, Iwade, Sittingbourne, Kent, ME9 8LY.			
RECOMMENDATION Refuse			
SUMMARY OF REASONS FOR REFUSAL			
The proposed hardstanding removes an area of soft landscaping that contributes positively to the green and open character and appearance of the street scene.			
REASON FOR REFERRAL TO COMMITTEE			
Called in by Ward Member.			
WARD Bobbing, Iwade And Lower Halstow	PARISH/TOWN COUNCIL Iwade	APPLICANT Mr Keith Adams AGENT	
DECISION DUE DATE 30/04/18	PUBLICITY EXPIRY DATE 04/04/18		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
16/500553/OPDEV	Enforcement notice served against unauthorized driveway extension.	Notice served	13.02.18
Planning committee agreed last year to the service of an enforcement notice requiring removal of the unauthorised hardstanding, and replanting of the soft landscaping that had been removed, for the reason that the development as carried out was harmful to the <i>“verdant, soft landscaped character and appearance of the street scene.”</i>			
SW/11/0376	Extend driveway across the front of the property.	Refused	20.02.11
Application was refused on the grounds that the proposed driveway / hardstanding would be harmful to the character and appearance of the street scene. The subsequent appeal was dismissed, with the Inspector fully supporting the Council’s reasoning.			

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site is a detached bungalow situated within the built up area of Iwade. It is situated on a corner plot and features an area of space to the front of the property, adjacent to the road, which was formerly an area of soft landscaping but has recently been converted to a driveway.

1.02 As noted above: in 2011 application reference SW/11/0376 was refused planning permission to remove the soft landscaping to the front of the property and to extend the driveway by means of laying hardstanding. The application was refused for the following reason:

“The proposal would, by virtue of its prominent siting to the front of the property and the removal of the attractive area of landscaping, result in a visually harmful parking area that would cause demonstrable harm to the character and appearance of the streetscene contrary to policies E1 and E19 of the Swale Borough Local Plan 2008, and paragraph 7.0 of the Council’s adopted Supplementary Planning Guidance entitled ‘Designing an Extension: A Guide for Householders’.

1.03 The subsequent appeal (PINS ref. APP/V2255/D/11/2155717) was dismissed (see Appendix A), with the Inspector fully supporting the Council and commenting at para. 4 of the decision:

“The existing soft landscaped area provides variety, interest and greenery and presents an attractive setting for the house and wider area. I consider that replacing it with an expanse of paving would create a more urbanised feel and undermine the original design and landscape concept of the Close. Even though a narrow border and two small bay-shaped flower beds would be retained, the paved area would appear starker and harsher than the existing arrangement, and would undermine the area’s pleasant character. This effect would be exacerbated by the front garden’s prominent position on the curve of the road.”

1.04 However, following the dismissal of this appeal, the applicant nevertheless went ahead and carried out the works anyway. The Council’s records show that the work was undertaken some time during 2016. Therefore in 2017 a report was submitted to planning committee seeking authority to issue an appropriate enforcement notice; Members agreed to such a notice, which was issued on 16 January 2018 and took effect on 13 February 2018. A copy of the Council’s Enforcement Notice is attached at Appendix B.

2.0 PROPOSAL

2.01 This application seeks to retain the unauthorised driveway / block paving, but with a revised layout that includes a planting strip across the front of the site, adjacent to the pavement edge. Access is via the existing dropped kerb.

3.0 PLANNING CONSTRAINTS

3.01 The site lies within an area of potential archaeological importance, but it is noted that all necessary archaeological investigative / ground works were carried out when the estate was originally constructed.

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) support residential development subject to it being of a high standard of design and not giving rise to any serious amenity impacts, including visual amenity impacts.
- 4.02 Policies CP4 (good design) and DM14 (general development criteria) of the adopted Swale Borough Local Plan 2017 are relevant.
- 4.03 Policy CP4 states that all development proposals should be *“of a high quality design that is appropriate to its surroundings,” “enrich the qualities of the existing environment,” and “retain and enhance features which contribute to local character and distinctiveness.”* Policy DM14 requires (amongst others) that developments *“reflect the positive characteristics and features of the site and locality” and “be of a scale, design, appearance and detail that is sympathetic and appropriate to the location.”*

5.0 LOCAL REPRESENTATIONS

- 5.01 Three letters of support and a petition containing 10 signatures (from seven addresses) have been received, raising the following summarised comments:
- The development will reduce on-street parking and associated access problems in the street;
 - The design of the parking area is attractive;
 - Removal of the previous soft landscaping will save water; and
 - Removal of the previous larger landscaped area improves visibility along the road.
- 5.02 The application has been called in by Councillor Stokes. Councillor Stokes has also submitted the following comments in support of the application :

“I have paid two visits to Mr & Mrs Adams and I have twice walked around Kingfisher Close and I cannot see how this application is harmful in any way to the character and appearance of the street scene and local visual amenity. There are other grass areas in Kingfisher Close that have been surfaced over that is not up to the standard of this application. This extra parking space is needed for visitors and will save visitors parking in the road. If Members have any concern regarding the street scene a site visit would be appropriate. I fully support this planning application and I urge Members to vote for approval.”

6.0 CONSULTATIONS

- 6.01 Iwade Parish Council has no objection.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 The historic applications noted above are particularly relevant to this application. The current application is accompanied by a site location plan and block plan.

8.0 APPRAISAL

- 8.01 It is important to note the comments contained within the delegated report for SW/11/0376, which states:

The principle of development is acceptable within the built up area boundary.

There would be minimal impact on residential amenity.

The use of materials to match the existing driveway is positive and is acceptable in itself.

The proposed parking space would be located to the front of the property in an extremely conspicuous location within the estate. Very little of the attractive landscaping to the front of the property would be retained. The proposal would therefore remove attractive and prominent landscaping in the estate. In my opinion, it would create a visually harmful area of hardstanding to the front of the property. This would be visually harmful and would be detrimental to the character and appearance of the streetscene.

The property currently has ample parking space including a garage and a parking space to the front, so the proposal would create unnecessary parking provision that is harmful for the reasons noted above. The estate currently benefits from ample attractive landscaped area to the front of properties, if the proposal was replicated elsewhere it would lead to the loss of the attractive landscaped frontages to this estate which would be extremely harmful.

There would be minimal harm to highway safety and convenience in my opinion.”

- 8.02 I agree with the case officer's assessment and conclusions, and do not see a need to reiterate the arguments here.
- 8.03 What is of particular relevance to this current application, in my opinion, is that the previous application was refused and the subsequent appeal dismissed. This, to my mind, clearly illustrates that hardstanding in this location is unacceptable. Furthermore the Council has issued an enforcement notice (which was agreed by the planning committee) requiring removal of this area of hardstanding and replacement with soft landscaping; that notice remains extant. Given the planning history of the site, it seems that the applicants must be aware that planning permission was required for the works that they have carried out. This being the case, this amounts to intentional unauthorised development. This weighs against the approval of the scheme.
- 8.04 I note that the application retains a landscaped strip around the fringe of the site in an attempt at softening its impact, however the layout is not substantially different to that against which the enforcement notice was served. I also refer back to the Inspector's decision on the planning appeal, which stated:

“Even though a narrow border and two small bay-shaped flower beds would be retained, the paved area would appear starker and harsher than the existing arrangement, and would undermine the area's pleasant character.”

- 8.05 I am therefore in no doubt that the parking area is harmful to the character and appearance of the street scene and local visual amenity, and that planning permission should once again be refused in line with this Council's previous decisions.

- 8.06 I note the comments received from local residents but do not agree with their conclusions. The position of the site is such that landscaping would not seriously obstruct driver's views along the road; whilst not having to water plants may save some water, removal of soft landscaping can have a detrimental effect on water run-off onto the highway and in any instance drought-resistant planting can be used; and each property within the road appears to have adequate off-road provision for the parking of two vehicles (tandem bays in some instances), so on-street parking may be a local issue of convenience rather than necessity.
- 8.07 I am also concerned that if the Council reverses its position here it would be left open to further applications for removal of soft landscaping within the street. From aerial photos it is evident that there are substantial tracts of planting that *could* be used for parking, but which contribute significantly to the character of the street scene, which appears from aerial photographs to have remained relatively unchanged (save for the current works to no.10 and the establishment of the soft landscaping) since the late '90s.

9.0 CONCLUSION

- 9.01 The proposed driveway / hardstanding is unacceptable in terms of its visual impact and harm to the green and open character of the area. The Council has previously refused permission for the development; the subsequent appeal was dismissed; and an enforcement notice has been issued earlier this year requiring its removal. The proposal is therefore considered unacceptable and I recommend that planning permission should be refused.

10.0 RECOMMENDATION – REFUSE for the following reason:

- (1) The hard standing by virtue of its prominent siting to the front of the property and the removal of the attractive area of soft landscaping, results in a visually harmful area of hard landscaping that causes demonstrable harm to the verdant, soft landscaped character and appearance of the street scene contrary to policies CP4 and DM14 of Bearing fruits 2031: The Swale Borough Local Plan 2017, and paragraph 7.0 of the Council's adopted supplementary planning guidance entitled 'Designing and Extension: A Guide for Householders'.

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 considered to be fundamentally contrary to the provisions of the Development Plan and the NPPF, and these were not considered to be any solutions to resolve this conflict. 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.

