

**REPORT SUMMARY**

<b>REFERENCE NO:</b> - 22/503699/FULL		
<b>APPLICATION PROPOSAL:</b> Demolition of an existing single storey detached garage and erection of 1no. 2 bed dwelling to form end terrace with associated parking and landscaping.		
<b>ADDRESS:</b> 18 Bower Street Maidstone Kent ME16 8SD		
<b>RECOMMENDATION:</b> GRANT PERMISSION subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The reasons for referral to committee from Cllr Stuart Jeffries_are detailed below within section 4 (Local Representations)		
<b>WARD:</b> Bridge	<b>PARISH/TOWN COUNCIL:</b>	<b>APPLICANT:</b> Mr Kemsley <b>AGENT:</b> Kent Design Studio Ltd
<b>CASE OFFICER:</b> William Fletcher	<b>VALIDATION DATE:</b> 08/08/22	<b>DECISION DUE DATE:</b> 06/01/23
<b>ADVERTISED AS A DEPARTURE:</b> NO		

**Relevant Planning History**

22/501884/FULL

Proposed demolition of an existing single storey detached garage and the replacement of existing garage with 1no. 3-bed dwelling to form an end-terrace, with associated parking and landscaping.

Refused 06.07.2022 on the following grounds

- 1) The proposed development by reason of its out of proportion and scale, excessive height with front dormer, and awkwardly disjointed design would be out of place to the adjoining pair of terrace resulting significant visual harm to local character and appearance of the streetscene and detrimental to the character of the area. The proposal is therefore contrary to policies DM1, DM9 and DM11 of the Maidstone Borough Local Plan 2017 and policies within the NPPF.
  
- 2) The proximity, height and length of the rear projection of the proposed dwelling will result in an overbearing and overshadowing impact to the rear elevation and rear amenity area and outlook of no. 13B Warwick Place detrimental to the amenities of this property contrary to policy DM1 and DM11 of the Maidstone Borough Local Plan 2017.

**MAIN REPORT**

**1. DESCRIPTION OF SITE**

- 1.01 The application site lies in the Maidstone urban area as designated in the Maidstone Borough Local Plan 2017.
  
- 1.02 The application site is located at the end of the rear garden of No.18 Bower Street and situated to the north of and attached to the end of the existing terrace (13A to 19 Warwick Place). The two roads join Tonbridge Road (A26) to the south.
  
- 1.03 The surrounding area is characterised by two storey terrace houses in close proximity to the pavement with a variety of external facing materials including red

and buff facing brick, painted brick and render. The existing terrace at 13A to 19 Warwick Place consists of Victorian properties at 14 to 19 Warwick Place which have accommodation on three levels, semi basement, ground and first floor levels. With a general rise in ground level from Tonbridge Road, these terraced properties are stepped up towards the application site.

- 1.04 In a manner similar to the current application, the existing dwellings at 13A and 13B were added to the end of the pre-existing terrace in the 1980's. The dwellings at 13A and 13B continue the step in the terrace using the space at semi basement level to provide off street under croft car parking.

## **2. PROPOSAL**

- 2.01 Planning permission is sought for the demolition of the existing single detached garage and erection of one end-terrace 3-bed dwelling with associated parking and landscaping. The new dwelling in a similar way to the existing adjoining houses would have accommodation on four levels. A garage/carport and bathroom lower ground floor level, kitchen, living, dining on ground level, with bedrooms at first floor and second/loft floor levels with a rear roof dormer. The rear garden of No18 Bower Street would be subdivided, and the end-terraced dwelling would be attached to 13B Warwick Place fronting Warwick Place.

- 2.02 To address the reasons for refusal on an earlier application, the following changes have been made

- the height of the dwelling has been reduced so the roof height matches the adjoining building, and the fenestration also aligns.
- The 'bulk' at the rear of the dwelling which caused amenity issues has also been removed and as such the 'form' of the building essentially mirrors the adjoining property
- The front dormer previously sought has also been removed and replaced with Velux windows.
- Only the stairs leading to the front door are absent from the front elevation although the proposal still retains the 'ground floor' opening present on neighbouring properties.

## **3. POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan (2017):

SS1 Maidstone borough spatial strategy  
SP1 Maidstone urban area  
DM1 Principles of good design  
DM2 Sustainable design  
DM9 Residential extensions, conversions and redevelopment  
DM11 Residential garden land  
DM12 Density of housing development  
DM23 Parking standards

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

## **4. LOCAL REPRESENTATIONS**

**Local Residents:** 2 representations in objection to the development were received from local residents raising the following (summarised) issues:

- harmful impact upon amenity of neighbouring properties, in terms of loss of light and loss of privacy.
- Visual harm
- Parking provision in the area
- Disturbance during construction
- Loss of property value

- 'Utilities' located on the current end of terrace wall

Disturbance during the construction period and loss of property value are not material planning considerations. The utilities in this instance are a television aerial and an air extraction vent. Under the 'remit' of the planning system this would be considered a private issue between neighbours, certificate B has been submitted with the application.

Cllr Stuart Jeffries

The application has been called in for the following summarised reasons:

- Loss of light
- Harm to parking in the area
- Contentious application.

These issues are addressed in the below 'Appraisal' section.

**5. CONSULTATIONS**

*(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)*

KCC Highways

No objection with reference to their standing advice.

Environmental Health

No objections issued.

**6. APPRAISAL**

The key issues are:

- Site Location
- Design and Visual Impact
- Standard of Accommodation
- Neighbouring Amenity
- Highways
- Ecology and Biodiversity

**Site Location**

6.01 The proposal site is located within the Maidstone Urban Area. Policies SS1 and SP1 details how the Local Planning Authority will focus new development principally within the Maidstone urban area where employment, key services, and facilities together with a range of transport choice are available. The application site which is within the urban area and a short distance from the Maidstone Town Centre boundary is a suitable location for new dwellings.

6.02 The principal issues to therefore consider in the determination of this application are whether the plot is of a sufficient size to accommodate a new dwelling and, whether design of the dwelling will be acceptable in the street scene, and whether it will provide both a dwelling of suitable size and sufficient amenity space for future occupants. It must also be ensured that the new properties do not harm neighbouring amenity, nor will they jeopardise parking provision in the area.

**Visual Impact**

6.03 In terms of the policies relating to the development policies DM1, DM9 and DM11 detail the design considerations for development in the urban area.

6.04 Policy DM1 Principles of good design states that development must respond positively to, and where possible enhance, the local, natural or historic character

of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage- incorporating a high quality, modern design approach and making use of vernacular materials where appropriate.

- 6.05 Policy DM9 Residential extensions, conversions and redevelopment within the built-up area continues, stating that "the scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and character of the street scene and/or its context".
- 6.06 Policy DM11 states that development on residential garden land must not have a detrimental impact upon the character and appearance of the area.
- 6.07 The proposed end-terraced dwelling would be attached to 13B Warwick Place. This current application follows a previous refusal which included the following officer assessment:

"The proposed end-terraced dwelling would be attached to 13B Warwick Place, the ridge height is approximately 0.5m higher than the adjoining terrace with the insertion of a front flat roof dormer which does not match with the plain hipped roof of this set of terraces. The front elevation is mismatched where the fenestration does not align and the key feature of the front stairs leading up to the front door on the first level has not been adopted. As an end-terraced dwelling, the proposal due to its excessive height, massing, and awkwardly disjointed design out would be out of place to the adjoining pair of terrace dominating the streetscene and resulting significant visual harm to local character and detrimental to the character of the area."

- 6.08 In terms of how this application addresses the above, the roof height matches the adjoining building, and the fenestration also aligns, the 'bulk' at the rear of the dwelling has also been removed and as such the 'form' of the building broadly replicates the adjoining property. The front dormer previously sought has also been removed and replaced with Velux windows. In terms of matching the neighbouring property, only the stairs leading to the front door are absent from the front elevation of the new property, although the proposal does provide a front entrance at street level.

**Image 1: Previous front elevation (left), current front elevation (right)**



- 6.09 In terms of the lack of stair way access, it is not assessed that this is such a significant feature overall that a design refusal on this ground alone is warranted. Whilst the dwellings to the south of the application site feature stair way access, dwellings opposite the application site do not, nor do dwellings further north along Warwick Place. Stairs, where they are present, are functional in design and it is not assessed that this is a feature that necessarily needs to be replicated.

**Standard of accommodation**

- 6.10 Policy DM1 details the need to provide an appropriate level of amenity for future occupants.
- 6.11 The internal space of the dwelling (approximately 100m<sup>2</sup>) is in excess of the space standard for a 2 bedroom (4 person), 3 storey dwelling (90m<sup>2</sup>). The dwelling has spacious living areas, rooms would be well lit and the dwelling is served by a suitable outdoor amenity area.

### **Neighbouring Amenity**

- 6.12 Policies DM1 and DM11 detail the need for development to respect the amenity of neighbouring properties and to provide suitable private amenity for future occupants.
- 6.13 The second previous grounds for refusal related to "The proximity, height and length of the rear projection of the proposed dwelling will result in an overbearing and overshadowing impact to the rear elevation and rear amenity area and outlook of No. 13B Warwick Place detrimental to the amenities of this property..."
- 6.14 Unlike the previous application the form of the dwelling now matches 13B Warwick Place 13B would now only be impacted upon by the single storey rear extension, however this is similar to what would be possible under permitted development. It is not assessed that this element on its own is significantly harmful that a refusal would be warranted on the grounds of neighbouring amenity. When considering the distance, the dwelling would not overshadow properties along Bower Street.
- 6.15 A distance of circa 19 metres will separate the upper floor windows of the new dwelling from the existing upper floor windows to the rear of 18 Bower Street. The property at 18 Bower Street is in the applicant's ownership. Whilst this separation distance is below the normal requirement of 21 metres, the proposed relationship is almost identical to that between other properties in the two roads both to the north and the south of the application site.
- 6.16 Additionally, the issue of utilities located on the side of the existing dwelling along Warwick Street is also raised. These would be impacted upon by the development however this is not a material planning consideration, under the remit of the planning system this is a private issue between neighbours and is not an issue that can be assessed as part of a planning application.

### **Highways**

- 6.17 Policy DM1 states that applications must ensure that development does not result in, amongst other things excessive activity or vehicle movements.
- 6.18 In accordance with policy DM23, the parking provision in the urban area is maximum and not minimum, hence new development does not necessarily need to provide off-street parking.
- 6.19 Paragraph 6.99 of the supporting text to policy DM23 states that "The council adopts a flexible approach to minimum and maximum parking standards to reflect local circumstances and the availability of alternative modes of transport to the private car. It also seeks to encourage innovative designs that can sufficiently demonstrate that a provision lower than the minimum standard is feasible and would not have an unacceptable adverse impact on the surrounding locality.
- 6.20 In terms of the impact upon parking in the area, the application site is currently host to a garage relating to No.18 Bower Street. Floor plans indicate that the proposed dwelling would provide a single parking space for a vehicle stored within the 'undercroft' area.
- 6.21 The proposal would result in the loss of a parking space relating to No.18 Bower Street. Both Warwick Place and Bower Street have residents permit schemes for

parking; however, this does not guarantee a space. Dwellings in both streets are within walking distance of all the employment opportunities, amenity and shopping facilities and public transport provision within Maidstone and as such it is not necessary to own a private vehicle in this location. This is why Maidstone urban area is considered the most 'sustainable' location for new housing development. It would not be appropriate to issue a refusal on the basis the proposal providing an unacceptable level of parking provision as any impact would not be severe which is the threshold set out in the NPPF.

#### **Ecology and Biodiversity**

6.22 Paragraph 2 of DM3 sets out a need to appraise the value of the borough's natural environment through the provision of an ecological evaluation of development sites. and to take full account of any biodiversity present.

6.23 Given the application site is developed land and located within a densely populated urban area it is not assessed that the application site or the garage would provide suitable habitats for any protected species. However, the development will need to demonstrate that it provides a 'net-gain' for biodiversity, this could be achieved by placing enhancements around the site, and incorporating enhancements into the dwelling itself, and this can be requested by way of condition if permission is granted.

#### **PUBLIC SECTOR EQUALITY DUTY**

6.24 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

#### **CIL**

6.25 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

### **7. CONCLUSION**

7.01 The application site which is within the urban area (the most sustainable location for new residential development) and a short distance from the Maidstone Town Centre boundary is a suitable location for a new dwelling.

7.02 In terms of design the development has overcome the previous reasons for refusal, the roof height matches the adjoining building, and the fenestration also aligns, the 'bulk' at the rear of the dwelling has also been removed and as such the 'form' of the building broadly replicates the adjoining property now. The front dormer previously sought has also been removed and replaced with Velux windows. The new dwelling would be seen in the context of the existing dwellings in the area.

7.03 The dwelling provides an appropriate level of residential amenity for future occupants

7.04 Following the revised design, it is not assessed that the development causes harm to neighbouring amenity. The development would not result in such a significant intensification of any existing impacts that a refusal would be warranted on loss of privacy.

7.05 Given the site is located in a sustainable location close to town centre, it is not considered to result in any significant harm to highway safety and parking.

- 7.06 Given the application site is developed land it is not considered to consist of protected species, however, the development will need to demonstrate that it provides a 'net-gain' for biodiversity, this could be achieved by placing bird and bat boxes around the site, and incorporating bat and bee bricks into the dwellings themselves, and this can be requested by way of condition if permission is granted.

## **8. RECOMMENDATION**

### **GRANT planning permission subject to the following conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development shall be carried out in accordance with the following approved plans and documents:  
Application for planning permission  
3118 - 01 Rev C Site Location and Existing Block Plan  
3118 - 02 Rev C Existing Floor Plan  
3118 - 03 Rev C Existing Elevations  
3118-10 Rev E Proposed Block Plan  
3118-11 Rev G Proposed Floor Plans  
3118-12 Rev F Proposed Elevations  
Design and Access Statement  
Reason: To clarify the approved plans and to ensure the development is carried out to an acceptable visual standard.
- 3) The development hereby approved shall not commence above slab level until, written details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted shall have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials;  
Reason: To ensure a satisfactory appearance to the development.
- 4) Upon completion, no further development permitted by Classes A, B, C or D of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order), shall be carried out.  
Reason: In the interests of the amenities of the area
- 5) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate and show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, the location of any habitat piles of cut and rotting wood and include a plant specification, implementation details, a maintenance schedule and a [5] year management plan.  
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- 6) Prior to first occupation of the approved dwelling all planting, seeding and turfing specified in the approved landscape details shall have been completed. All such landscaping shall be carried out during the planting season (October to February).

Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 7) Prior to development commencing above slab level a scheme for the enhancement of biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extension by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details prior to first occupation and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

- 8) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of the relevant dwelling and maintained thereafter;

Reason: To ensure an energy efficient form of development.

- 9) The dwelling hereby approved shall not be occupied until an electric vehicle charging point has been installed on the building, and shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with the NPPF.

### **INFORMATIVES**

- 1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

Case Officer: William Fletcher

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.