

Aylesford **575513 163154** **12 December 2006** **TM/06/01933/RM**
Blue Bell Hill And
Walderslade

Proposal: Reserved Matters of siting, design, external appearance,
means of access and landscaping submitted pursuant to
condition 1 of planning permission TM/05/03112/OA: Outline
Application for the erection of single storey dwelling
Location: 56 York Avenue Chatham Kent ME5 9EP
Applicant: D Ware

1. Description:

- 1.1 This application seeks the approval of details of the means of access, siting, design, and external appearance for a single storey detached dwelling previously allowed in outline form on appeal. The principle of the development has been agreed by the allowing of the 2004 appeal and so this application relates to the details set out above. The appeal decision limited any property on the site to be single storey and the plot is also subject to a restriction on permitted development rights restricting the addition of windows in the roof.
- 1.2 The submitted details indicate a single storey property of dimensions 11.5m by 8.5m and an overall height of 5.7m. No accommodation is proposed within the roof space. The building is to feature plain brindle tiles and a multi-stock brick. Access is to be gained as indicated on the illustrative layout on the outline application from Victoria Road.
- 1.3 A full arboricultural survey has been submitted as part of the planning application due to the proximity of the large oaks outside the site that are covered by a Tree Preservation Order. This report covers details of the construction of the dwelling in relation to the trees and also the installation of the vehicular crossover between the trees.

2. The Site:

- 2.1 The site at present forms part of the rear garden of 56 York Avenue and features a road frontage onto the northern side of Victoria Road. The submitted drawing indicates a plot size measuring 22.4m by 12.5m. The area is characterised by properties of single storey character and appearance. Victoria Road is also characterised by the properties maintaining a uniform distance from the road. The site is screened from Victoria Road by a mature hedge and from the neighbouring properties by boundary fences. Immediately to the south of the site on the highway verge are a pair of oak trees that are subject to a tree preservation order and in the south western corner of the application site is an electricity substation.

3. Planning History:

TM/55/10672/OLD grant with conditions 25 January 1955

O/A for One Dwelling with vehicular access.

TM/74/11258/OLD Application Withdrawn 16 January 1974

Outline application for dwelling with new access.

TM/74/12631/OLD Refuse 3 June 1974

Outline Application for chalet bungalow and garage, as amended by letter and plan received in Surveyors office on 15.3.74.

TM/86/10535/OUT Refuse 8 December 1986

Dwellinghouse.

TM/89/10393/FUL Refuse 7 August 1989

Removal of flat roofed lounge and replacement with larger extension across rear of property.

TM/04/03925/OA Refuse 13 January 2005
Appeal allowed 09 September 2005

Erection of single storey dwelling

TM/05/03112/OA Grant With Conditions 22 December 2005

Outline Application: Erection of single storey dwelling

4. Consultees:

4.1 PC: No objection to original submission or revised block plan and arboricultural survey.

4.2 WKHMU: No objection to original or revised submission subject to condition and informative.

4.3 Private Reps: 7/0X/2R/0S – two letters of objection received raising the following material considerations:

- Drawings do not show first floor but foundation details are shown suitable for an upper floor 'leaving the door open' for further development.
- Building would not follow the existing building line as it is set forward of the existing houses.

- The gravel drive would lead to anti-social behaviour through throwing gravel.
- Potential impact of development on the preserved oak trees outside the site and pressure for their removal if damage is caused to the new house.

Two further letters have been received raising the following concerns:

- Services have been laid to the site exposing and possibly compromising tree roots.
- Construction works would potentially damage trees outside the site.
- Hedging has been removed from close to the trees potentially for the access which would be dangerously close to the oak tree.
- The submitted drawing does not indicate the substation.
- The position of the dwelling proposed does not comply with the building line of properties facing onto Victoria Road

4.4 A 21 name petition has also been received objecting to the development on the following grounds:

- The proposal will be out of character with the surrounding locality;
- Proposal is in front of the established building line;
- Potential detrimental impact on nearby trees, a number of which are protected by a TPO.

5. Determining Issues:

5.1 As the principle of development has been previously approved by the Secretary of State by the allowing of the outline application on appeal, the only matters for agreement at this stage are those reserved by that consent. These are the approval of the siting, design, external appearance and means of access to the proposed property.

5.2 The property proposed is a detached gable ended bungalow. This is similar to other properties in the area which are primarily single storey and a mixture of detached and semi-detached. The height of the building proposed and the general massing in relation to the site area is similar to others in the immediate vicinity and so is considered to be acceptable. The external appearance is proposed to be a multi-stock brick with a plain tiled roof. These are similar to the other properties in the area and so would not be detrimental to the overall character of the area.

- 5.3 The proposed dwelling is single storey and features no accommodation in the roof space. The existing boundary treatments and the arrangement of the windows would minimise the loss of privacy to the neighbouring houses. The height and position of the building would also ensure that there is no loss of light experienced by the adjacent properties as controlled by daylight and sunlight standards.
- 5.4 Concerns have been raised regarding the fact the dwelling would be constructed in front of the existing building line. There is however no clear pattern or specific character to the properties on the north side of Victoria Road with the existing development displaying a variety of building styles and positions within the plots. The position of the proposed dwelling is therefore considered to be acceptable in the street scene and not detrimental to the character of the area in general.
- 5.5 There are two oak trees subject to a tree preservation order on the verge to the south of the site. The issue regarding the effect of construction on the trees has been covered by the applicant in the submitted arboricultural survey that accompanies the application. The principle of development in the vicinity of these trees has been established by the allowing of the appeal and the report sets out details of how the works can be carried out without affecting the trees. The findings of this report are agreed by the Tree and Landscape Officer and subject to the works being carried out in accordance with the specifications attached to the survey the two preserved oaks would not be damaged by the construction. The laying of the services would have to be carried out in accordance with the appropriate British Standard as specified in the arboricultural survey.
- 5.6 The right to install extensions and windows in the roof has been withdrawn by conditions on the 2005 outline permission. The roof form now proposed has been designed with gable ends to the south, east and west elevations. These areas of walls would not be covered by the conditions which were attached to the outline consent. It is therefore, unusually, considered necessary to propose a condition on this reserved matters proposal removing permitted development rights for new windows in these gables.
- 5.7 Subject to this condition the proposal is considered to be acceptable.

6. Recommendation:

6.1 Approve Reserved Matters

This was approved in accordance with the following submitted details: Plan CB2076.01 dated 09.06.2006, Plan CB2076.02 dated 09.06.2006, Letter dated 09.06.2006, Block Plan SK2076.03 dated 12.12.2006, Arboricultural Survey dated 12.12.2006, Letter dated 18.12.2006; and the following condition and informative:

- 1 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking

and re-enacting that Order), no windows or similar openings shall be constructed or created in the first floor roof gable walls on the south, east or west elevations of the building without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties.

Informative:

- 1 The applicant is advised that the conditions and informatives attached to planning permission TM/05/03112/OA apply to this permission.

Contact: Robin Gilbert