

Date: 27 January 2021

Dear Mr. Hume

**Complaint Number: COM/3644**

Thank you for your letter received by email on the 13 January 2021. Your letter relates to the development of a new dwelling at Kitsilano, Headcorn Road, Grafty Green, ME17 2AN. Your letter has been considered under the Council's formal complaints procedure.

Your letter raises the following points:

- You feel that the objection submitted on the planning application (ref: 20/504038/FULL) by the Parish Council was 'ignored' particularly with regard to the height of the building.
- You feel that a planning breach has been clearly demonstrated with the bottom of the front entrance doorway at damp proof course level and above the original natural ground level. Steps will need to be constructed up to the front door which are not shown on the plans and will be further demonstration of the breach. You request that that the height of the building under construction is inspected.
- You ask for confirmation that the planning case officer carried out a site visit "*...and if so the date of the visit and how it was determined that our objection was incorrect as to the facts*".

**Background**

The plans submitted with the planning application under reference 19/502474/FULL showed a proposed new dwelling with accommodation on three different levels, including the roof space of the building. The planning application was withdrawn by the applicant in July 2019 after the case officer expressed concerns about the impact of the dwelling.

A revised planning application was received in October 2019 under reference 19/505066/FULL. The application was for the demolition of a detached double garage and construction of a new dwelling with accommodation over two levels, including the ground floor and the roof space of the building (chalet bungalow). With sufficient changes to overcome earlier concerns, planning permission was granted on the 13 December 2019.

After construction work had commenced to implement the permission under reference 19/505066/FULL, a planning enforcement query was received by the Council that stated that the building was not being constructed in accordance with the approved plans.

The planning application under reference 20/504038/FULL was subsequently submitted.

This third planning application considered the acceptability of the changes from the planning permission under reference 19/505066/FULL. Permission was granted on the 18 December 2020 for the revised proposal involving the construction of a chalet bungalow.

The points that you make in the submitted letter are considered in detail below:

**You feel that your objection submitted on the planning application (ref: 20/504038/FULL) was 'ignored' particularly with regard to the height of the building.**

The comments received from the Parish Council and other third parties are an important part of the consideration of planning applications and as a result the Council actively encourages these comments to be submitted. All comments that are received are fully considered by the case officer as part of the assessment of a planning application.

The assessment of a planning application considers a range of different issues with consultation responses only forming part of the assessment carried out by the case officer. Notwithstanding, the value of the comments, a decision taken contrary to submitted comments does not mean that comments have been 'ignored'. As I hope you can appreciate, the submission of an objection cannot mean that planning permission will be automatically refused, or conversely a letter of support cannot guarantee that planning permission will be granted.

In common with much residential development, the general pattern of development to the north of Kitsilano consists of residential dwellings fronting the road with garden space at the rear. In contrast to this general layout, the existing Kitsilano dwelling fronting Headcorn Road had garden space which extended to Church Road, with a detached garage located between the two road frontages.

Whilst the building proposed under application 19/502474/FULL was a similar scale to the neighbouring two storey buildings in Church Road (two storey with pitched roof), this scale was not considered appropriate due to the narrower width of the application site. The proposal was subsequently revised, and the amended scale, bulk, massing and height of the proposed dwelling was found to be acceptable. With no defined building line on this part of Church Road and the local variance in building design and form, the design and siting of the new dwelling was acceptable.

In order to protect the privacy of existing occupiers and to provide sufficient privacy for future occupiers, a separation distance of 21 metres is generally required between directly opposing upper floor habitable room windows on rear elevations. This separation distance is not normally applied to front elevation windows as these windows overlook the 'public' road. In this case, your letter refers to windows on the front elevation and a distance of over 30 metres separates the proposed front elevation dormer windows from the frontage of the bungalow opposite, known as Brierley. In addition, Brierley does not have any windows on the front elevation above ground floor level.

I highlight that the 'loss of a view' is not a valid planning consideration, and as a result the loss of a view is not given any weight in the assessment of planning applications.

**You feel that a planning breach has been clearly demonstrated with the bottom of the front entrance doorway at damp proof course level and above the original natural ground level. Steps will need to be constructed up to the front door which are not shown on the plans and will be further demonstration of the breach. You request that that the height of the building under construction is inspected.**

Following the approval of the second application under reference 19/505066/FULL an enforcement investigation found that the building was not being constructed in accordance with the submitted plans. The third application was submitted (20/504038/FULL) to allow the proposed changes to the building from the first permission to be formally considered and permission was granted for these changes in December 2020 as part of this subsequent application.

As planning permission was granted, the enforcement investigation was subsequently closed. If you now consider that the building is not being constructed in accordance with the plans approved under application 20/504038/FULL you will need to report this again

to the planning enforcement team for investigation. The planning enforcement team can be contacted at [planningenforcement@maidstone.gov.uk](mailto:planningenforcement@maidstone.gov.uk).

**You ask for confirmation that the planning case officer carried out a site visit "...and if so the date of the visit and how it was determined that our objection was incorrect as to the facts".**

A site visit was carried out by the planning case officer on Friday 30 October 2020.

During the site visit the case officer saw the character of the application site, its relationship to neighbouring properties, the character of its immediate surroundings and the character of the area generally.

**Summary**

Whilst I fully appreciate that you disagree with the conclusions that were reached, after a review of this application, I have found that the submitted planning applications were correctly considered by the case officer including consideration of consultation responses. If you feel that works are not being carried out in accordance with the plans approved under reference 20/504038/FULL you are advised to report this to the planning enforcement team for investigation at [planningenforcement@maidstone.gov.uk](mailto:planningenforcement@maidstone.gov.uk).

If you are dissatisfied with the handling of your complaint please outline your concerns to Angela Woodhouse, Head of Policy and Communications at [complaintsandfoi@maidstone.gov.uk](mailto:complaintsandfoi@maidstone.gov.uk) who will undertake a review of your complaint according to the second stage of the council's complaints procedure.

Yours sincerely

James Bailey  
Development Manager