

APPLICATION: MA/09/1906 Date: 19th Oct 2009 Received: 20th Oct 2009

APPLICANT: Mr T Holt

LOCATION: HEATH VIEW, FARADAY ROAD, PENENDEN HEATH, MAIDSTONE,
KENT, ME14 2DB

PROPOSAL: Retrospective application for detached timber summer house with
decking and erection of trellis fencing along part of western
boundary as shown on drawing no. CB2345.00 received 08/01/10.

AGENDA DATE: 4th February 2010

CASE OFFICER: Kathryn Altieri

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by Councillors Naghi and Wooding

POLICIES

Maidstone Borough-Wide Local Plan 2000: H18

South East plan 2009: BE1, CC6

Government Policy: PPS1 - Delivering Sustainable Development, PPS3 - Housing
'Supplementary Planning Document - Residential Extensions' (May 2009)

HISTORY (1974+)

MA/08/2048 - Erection of a bungalow - refused

MA/04/0140 - Proposed extensions which include alterations to the roof, the erection of a double garage and the changing of an access - refused

MA/02/2166 - The erection of ground floor extension to west elevation and extension at first floor with dormer windows, creation of new access (existing will be closed), and construction of double garage (demolition of existing) - approved/granted with conditions

MA/98/0565 - Demolition of existing bungalow and erection of replacement two storey house with integral double garage - approved/granted with conditions

MA/98/0238 - Erection of a front porch, single storey side extensions, a first floor, a two storey rear extension and the creation of a new vehicular means of access onto Penenden Heath Road - withdrawn

MA/97/0751 - Demolition of part of existing bungalow the erection of a single storey rear/side extension and the erection of a first floor extension to form a four bedroomed two storey house together with the erection of a detached double garage - refused

CONSULTATIONS

None

REPRESENTATIONS

Councillor Naghi has objected on the following grounds:-

"If you are minded to approve this application, please report it to the planning committee for the reasons set out below.

- *It is continuing and extending the substantial over development of this residence.*
- *The position of the summer house results in the windows and frontage being at the same height as bedroom windows to properties on the other side of Faraday Road, and allows a clear view into the bedroom windows. I refer you to section 4, page 36 and 37 of the Supplementary guidelines for residential extensions adopted May 2009.*
- *The summer house has been erected in front of the established and retained building line for properties on that side of Faraday Road and will set a precedence for future front expansion. I refer you to section 4, Page 14 of the Supplementary guidelines for residential extensions adopted May 2009."*

Councillor Wooding has objected on the following grounds:-

- **Decking/Platforms:** *The development at Heath View comprises a substantial area of wooden decking made up of platforms of varying heights around the main Summerhouse with its veranda. My understanding is that this breaches permitted development rules.*
- **Decking Height:** *Substantial sections of the decking platforms would appear to be significantly more than 30cms above ground level, possibly constituting a further breach of permitted development rules.*
- **Summerhouse Height:** *Section E.1 (d) (ii) of permitted development rules state that development is not permitted if the height of the building would exceed 2.5 meters in the case of a building within 2 meters of the boundary of the curtilage of the dwelling house. It would appear that the Summerhouse, which is significantly higher than the nearby garage, breaches the rules in this regard as well.*
- **Over development of the Site:** *A substantial proportion of the garden was lost to the large driveway, gated entrance and garage building from a previous planning application. With the subsequent Summerhouse construction, all but a very small proportion of what*

was once a very significant rear garden has now been lost to outbuildings. The site has been substantially overdeveloped.

- **Visual Appearance:** *The inevitable consequence of the Summerhouse's positioning forward of the building line, its sheer size and the height to which the main building, its veranda and decking have been constructed means that it is very prominent when entering and exiting the Road and is certainly out of keeping with the look and style of Faraday Road.*

Neighbours: Fourteen neighbour objections have been received raising concerns over, inaccurate plans, over development of the site, disruption to building line of Faraday Road, breaches of permitted development rights, its prominence within the streetscene, future development of the site and historical covenants of the site.

CONSIDERATIONS

The Site

The application site relates to a residential corner plot occupied by a detached bungalow ('Heath View') with its existing double garage and private drive accessed from Faraday Road. This property is located on the corner of Faraday Road and Penenden Heath Road and remains set back more than 8m from either highway, within the urban area of Maidstone. Visible from both roads, 'Heath View' sits within a mostly residential area that is made up of large detached properties of differing scale, age and design, all with off road parking provision. Faraday Road is a cul-de-sac with a fairly uniform building line, although the distances that the properties are set back from the road do vary by three to four metres. Penenden Heath recreation ground lies to the north.

There are no well established mature trees within the site but new planting has taken place along the western boundary of the site, as shown on the submitted plans. This is discussed further on in the report.

The application site is not identified for any particular use in the Maidstone Borough Wide Local Plan 2000.

The Proposal

This retrospective planning application is for the erection of a timber summerhouse with a shallow, pitched roof and decking area that is located in the southern corner of the site which is the property's rear garden. The application is also for trellis fencing that has been erected along part of the western boundary. This trellis sits above the existing 1.8m close boarded fencing to give an additional 0.6m of height, giving a total height of 2.4m for the areas of enclosure.

The summerhouse's footprint is 5m by 6.6m (including the covered porch area) and the decking projects a further 3m beyond this. The development measures 3m in height from its ridge to ground level and 2.2m from its eaves.

Planning Issues

Planning permission is required because the summerhouse is located on land forward of the main dwelling and it exceeds 2.5m in height whilst being within 2m of the boundary of the curtilage. This trellis requires planning permission because it exceeds 1m in height from natural ground level.

Typically, ancillary outbuildings like summer houses and sheds can be erected without the need for planning permission provided that they do not sit forward of the principal elevation of the dwelling or exceed 2.5m in height when within 2m of the boundary. This development does not significantly fall outside of this criteria and it is only because of the shape of the plot and the orientation of the dwelling that this summerhouse requires planning permission.

The most relevant policy under the Maidstone Borough-Wide Local Plan 2000 relating to householder development of this type within the urban area is Policy H18. I will consider the proposal against the key criteria set out in this policy:-

Impact upon the existing property

This modest summerhouse is single storey and remains more than 12m away from 'Heath View', so although raised up from natural ground level, its ridge is set more than 3m below the roofline of the main dwelling. As such, due to its scale and distance from the main house, this summerhouse has no significant impact upon it.

In addition, the residential curtilage of this property is relatively large and even with a double garage and summerhouse on site, this plot of land does not appear significantly over developed. Please note that the site is within the urban area, where development of this nature and scale is to be expected.

This summerhouse is subordinate and ancillary to the dwelling and does not significantly overwhelm or destroy the character of the existing property.

Impact upon the streetscene

The Maidstone Borough Council's 'Supplementary Planning Document – Residential Extensions' (May 2009), does state that outbuildings "*should not generally be located in front of the building line of domestic properties*" (para 4.46).

However, because of its orientation and distance from its neighbours to the south, 'Heath View', a detached property, has no direct relationship with the building line

along Faraday Road. Indeed, the distance from 'Heath View' and 1 Faraday Road is more than 33m. As such, this summerhouse, which is of a low height, does not significantly interrupt the pattern of the streetscene in Faraday Road.

A bungalow has recently been refused in this location under MA/08/2048 because it would "*fail to respond positively to the layout and pattern of the area and which would be out of character with its local surroundings*". However, to put it into context, the proposed bungalow had a footprint of 70m², its ridge height was almost 2m higher than this summerhouse and the new access and hardstanding that would have to be created would significantly disrupt the streetscene much more than a timber outbuilding that is ancillary to and in the back garden of 'Heath View'. This timber built summerhouse is not as prominent and bulky as a clay tiled, brick built dwelling. The scale and appearance of this summerhouse is clearly a secondary domestic structure.

Furthermore, even though the development is raised up from natural ground level, its low eaves height and shallow pitched roof ensures that the bulk of it remains screened by the existing western boundary treatment that it is set back from by more than 3m. This only further reduces its visual appearance.

The trellis increases the height of the existing fencing by a modest 0.6m and its latticed appearance does not give the impression of a featureless obstruction whilst providing a screen for the summerhouse. I therefore believe that this additional boundary treatment does not create an incongruous feature that causes unacceptable visual harm to the character and appearance of the area.

In terms of landscaping on site, it was noted from my site visit that several trees have been planted along the western boundary of the site and these are shown on the submitted plans. Once established, these trees would provide further screening of the summerhouse. I have recommended a condition to ensure that the landscaping is retained.

The proposal does not significantly affect the character and appearance of the area or adjacent buildings.

Impact upon the neighbours

The summerhouse is more than 15m away from any neighbour and the bulk of it is screened by the existing boundary treatment of close boarded fencing and trellis that maintains sufficient levels of privacy to the surrounding neighbours.

This summerhouse does not have a significant impact upon the amenity of the neighbouring properties to the west, in terms of overlooking into their bedrooms. Indeed, the window to the west flank is screened by way of the boundary treatment and the orientation of the summerhouse is such that the openings in its northern elevation are angled away from any neighbour. A 45° line was also drawn from the

two front corners of the summerhouse, to denote what would be visible from the northern openings of this development; and the area created did not include the neighbours opposite. It should also be noted that the neighbouring properties across the road are more than 22m away from this proposal and that the summerhouse is not habitable accommodation.

It is therefore considered, because of the proposal's scale, design and location, that there would be no significant detrimental impact upon the residential amenity of any neighbour, in terms of loss of privacy, outlook, daylight and sunlight.

Other considerations

This development, because of its nature and location, does not significantly impact upon the parking provision within the area or generate any need.

The objections raised by Councillor Naghi, Councillor Wooding and the neighbours have been considered. However, although the plans do not show all existing buildings on the site, this application is retrospective and I was able to fully assess the site from my site visit. Furthermore, refusal of this application on what development might happen in the future could not be justified. Any covenants on the site must be dealt with privately as a civil matter between the relevant parties involved.

I recommend a condition to ensure that the summerhouse is dark stained so that it further blends in with the surrounding area.

Conclusion

It is therefore considered overall that the proposal is acceptable with regard to the relevant provisions of the development plan and amenity impacts on the local environment and other material considerations such as are relevant. I therefore recommend conditional approval of the application on this basis.

RECOMMENDATION

APPROVE PLANNING PERMISSION subject to the following conditions:

1. Within two months, details of the colour of the external finish (stain) of the building shall be submitted to and approved in writing by the Local Planning Authority. The new colour scheme shall be implemented in full within two months of the decision date and shall thereafter be maintained.

Reason: In the interest of visual amenity. This in accordance with policy H18 of the Maidstone Borough Wide Local Plan 2000 and policies CC6 and BE1 of the South East Plan 2009.

2. All planting, seeding or turfing comprised in the approved details of landscaping, drawing no.CB2345.00 received 08/01/10, shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development. This in accordance with policy H18 of the Maidstone Borough Wide Local Plan 2000 and policies CC6 and BE1 of the South East Plan 2009.

Informatives set out below

1. It is recommended that the summerhouse is stained in a dark brown colour.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.