

**REPORT SUMMARY**

<b>REFERENCE NO - 16/506229/FULL</b>		
<b>APPLICATION PROPOSAL</b> Single-storey side extension and conversion of existing garage to living accommodation		
<b>ADDRESS</b> 15 Greensands, Boxley, Kent ME5 9DQ		
<b>RECOMMENDATION - GRANT SUBJECT TO CONDITIONS</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposal is considered to preserve the character and appearance of the Street scene and residential amenity and to comply with the Development Plan. There are no overriding material considerations to indicate a refusal.		
<b>REASON FOR REFERRAL TO COMMITTEE</b>  The recommendation is contrary to the views of Boxley Parish Council, who have requested Committee consideration. Cllr Hinder supports the objections of Boxley Parish Council and their request for the application to be considered at Planning Committee.		
<b>WARD</b> Boxley	<b>PARISH/TOWN COUNCIL</b> Boxley	<b>APPLICANT</b> Mr M Basham <b>AGENT</b> JK Designs
<b>DECISION DUE DATE</b> 17/10/16	<b>PUBLICITY EXPIRY DATE</b> 16/09/16	<b>OFFICER SITE VISIT DATE</b> 06/09/16
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b> 13/0405 – First floor front extension – approved 11/1976 – First floor rear extension – approved 05/2190 – Single-storey rear extension – approved		

**MAIN REPORT**

**1.0 DESCRIPTION OF SITE**

- 1.01 This application relates to a detached dwelling, which is located within the urban area. The site is located beyond the end of a turning head, within a cul-de-sac. The Street is characterised by detached dwellings, but has no strong regular pattern. The garage on site is attached to the garage of number 16.

## **2.0 PROPOSAL**

- 2.01 Planning Permission is sought for the erection of a single storey side extension and the conversion of the existing garage to living accommodation. The existing garage would be linked to the proposed side extension. The proposal would create an enlarged kitchen, a games room and a storage area.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Wide Local Plan 2000: H18  
Submission Version of the Maidstone Borough Wide Local Plan (2016): DM1, DM8, DM27  
Supplementary Planning Guidance 'Residential Extensions'

## **4.0 REPRESENTATIONS**

- 4.01 Written objections have been received from three neighbouring properties, objecting upon the grounds of loss of light, loss of outlook, overshadowing, overdevelopment, visual appearance, terracing effect, layout/density, parking, restricting access to other properties, flood risk/drainage, the construction phase and noise and inconvenience therefrom, covenants, encroachment, Party Wall Act, effect upon future abilities to extend and that the site notice was removed.
- 4.02 Councillor Hinder strongly objects to the application and states  
"I wish to strongly object to this application. This house has already been extensively extended and this latest application will have detrimental impact on the neighbouring property to the extent that the neighbour will not be able to drive up and park her car alongside her house and actually open the car door. It would most certainly have detrimental impact on the street scene due to size and bulk.  
Please also note that I have also been informed by local residents that there is no planning application notice displayed.  
I would like it noted that I am fully supporting on the same grounds the objections made by Boxley Parish Council and I support their request to have this heard by Planning Committee should you be minded to approve".

## **5.0 CONSULTATIONS**

- 5.01 Boxley Parish Council:

"Members wish to see this application refused and reported to the planning committee for the following reasons:

- The proposed single storey side extension by virtue of its design and infilling up to the boundary would compromise the character of the existing property and would have a detrimental impact upon the character of the area and the street scene. The development would therefore be contrary to policy H18 of the Maidstone Borough Wide Local Plan (2000).
- The proposed side extension by reason of its prominent siting and disproportionate design would be detrimental to the character and appearance of the host building it would thereby be contrary to saved policies H18 of the Maidstone Borough Wide Local Plan (2000).
- The proposed extension would create a loss of light to the neighbouring property specifically to their dining room which would be adjacent to the extension.

- This development will have an adverse impact on the quality of life of the resident of No.16 due to their inability to park more than one car on their drive and accessing their bins and garden area.
- The parish council has been made aware that there is a covenant on the neighbouring property which states 'Not to carry out cause or permit to be carried out any activity upon the land which shall be or becoming a nuisance or cause annoyance to the owner or occupiers of any adjoining property'. Not without the prior written consent of the council to erect or maintain or cause or permit to be erected or maintained any fence walls or structures which in the opinion of the council would materially affect the access of light and air or obstruct the view enjoyed by the adjoining or neighbouring properties or otherwise affect the surrounding property or highway. The parish council considers that this original recognition and the importance this places on the current street scene supports the argument that if allowed, will have a detrimental impact on the street scene.
- Concerns were raised about the loss of a garage and car parking spaces which could force cars to be parked in what is a very narrow street and cause parking issues in the future.
- If the Planning Officer is minded to approve the parish council has requested that no windows should be placed on the side of the extension, the avoid loss of privacy”.

## **6.0 APPRAISAL**

### **Visual Impact**

- 6.01 Policy H18 of the local plan requires house extensions to preserve the character and appearance of Street scenes and that they do not overwhelm the existing dwelling. In this case, the proposed extension would clearly be of a subordinate scale to the existing house and it would not be overly prominent, or affect the building line, because it would not project forward of the existing front gable. Although the dwelling has previously been extended, due to the scale and design of this proposal, it would clearly not overwhelm the existing house or destroy its form or character. The extension is of a modest scale and is not considered of a design which is excessively bulky. The design is considered sympathetic to the existing dwelling.
- 6.02 There is no regular pattern to the Street which would be interrupted and it is concluded that the visual impact of the development upon the character and appearance of the Street scene would be acceptable. The development would not appear cramped it is considered, being single storey only, and it is not, given the size of the plot and the urban location, considered that the proposal would result in overdevelopment of the site. There would be no terracing effect, as of the development would be single storey only. It would not be out of character with the area it is considered, as there is variation in design within the Street. Within this built-up area, it is not considered overly dense and, as stated, there is no fixed layout to the Street.
- 6.03 It is concluded that the development would preserve the character and appearance of the host dwelling and the visual amenity of the streetscene, in accordance with policy H18 of the local plan and the S.P.D. “Residential Extensions”.

### **Residential Amenity**

- 6.04 Policy H18 of the local plan and the S.P.D. “Residential Extensions” also require house extensions to preserve residential amenity for neighbouring properties.

The key issue is considered to relate to the impact upon light and outlook for the adjoining property, number 16. Number 16 has a ground floor flank window facing the site and this is understood to be the only window serving the room, which is a habitable room, being a dining room. Whilst the proposal would clearly have an impact in terms of light and outlook, as it would come closer to number 16's window than the existing building on site, it must be considered that this proposal is single-storey only and of the roof would slope away from number 16. Moreover, the dwelling is only approximately 2.5 m further away from number 16 than the proposed extension wall and the dwelling is two-storey, with a steep pitched roof. Indeed, the proposed extension would have a low eaves height of approximately 2.2 m and an overall height of less than 4 m, whereas the dwelling is over 8 m in height. Clearly, therefore, the existing dwelling would already have a significant impact in terms of the light and outlook to the side window and the proposed extension, which would be largely within the shadow of the existing house, is not considered to have a significantly greater impact. Although the outlook would be of a solid brick wall, as stated, it would have a low eaves height of approximately 2.2 m and the roof would slope away from number 16 and, given the drive width in between, it is not considered to be so harmful in terms of outlook to justify a refusal. It is concluded that the impact upon light, overshadowing and outlook would not be so severe as to justify a refusal.

- 6.05 In terms of privacy, the proposed rooflights would be at a high level and no windows are proposed facing number 16. The Parish Council have requested that no windows be placed in the side of the extension and a condition can be attached to ensure that any new windows would require planning permission, in order to protect privacy for the occupiers of number 16.
- 6.06 No other surrounding property is in a position to be significantly affected by the development in terms of residential amenity.

### **Parking**

- 6.07 Although the garage space and part of the existing driveway would be lost, the frontage to the site is fully block paved and space for at least 3 vehicles would therefore be retained upon the frontage. This is not an isolated, rural location, but lies within an urban area and it is therefore considered that this provision is sufficient for this single dwelling. The proposal also provides more parking on site than is required by the emerging parking standards. (The emerging standards only require 2 spaces).
- 6.08 As the site lies within a cul-de-sac, speeds are likely to be low and they are not, considered to be any significant highways issues should on Street parking occur.

### **Other Matters**

- 6.09 Noise, inconvenience and other issues relating to the construction phase are not material planning considerations. Similarly, the restriction of private accesses to other driveways and the impact of the development upon the ability to open car doors over the site would not be material planning considerations. Covenants and the Party Wall Act are also not material planning considerations.
- 6.10 With regards to flood risk/drainage, the site is not located in an area which is identified as having a high flood risk and the issue of drainage would be a building regulations issue. The plans do not clearly indicate that there will be encroachment and the applicant has submitted a certificate A to indicate that the development

would take place wholly within their boundaries. Any future application submitted by an adjoining property would be assessed upon its own merits at the time of submission.

- 6.11 A representation indicates that the site notice was removed very shortly after being posted. A site notice was displayed upon a lamp post outside number 14 upon 26 August 2016, and in addition to this, letters were sent to 5 surrounding properties notifying them of the development and representations have been received from neighbouring properties, making it clear that they were aware of the development proposal. It is therefore considered that the appropriate consultation has been carried out.

## **7.0 CONCLUSION**

- 7.01 The proposal is considered to preserve the character and appearance of the Street scene and residential amenity and to comply with the Development Plan. There are no overriding material considerations to indicate a refusal. Approval is therefore recommended.

## **8.0 RECOMMENDATION – GRANT 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 hereby permitted shall be carried out in accordance with the following approved plans:

025.1007.01, 025.1007.05, 025.1007.06 and 025.1007.07 received on 12/08/16;

Reason: To ensure the quality of the development is maintained and to preserve residential amenity.

- (3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development.

- (4) No new windows, doors, voids or other openings shall be placed, inserted or formed at any time within the west side elevation of the extension hereby permitted;

Reason: In order to protect privacy for the adjoining property.

Case Officer: Louise Welsford

- 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.